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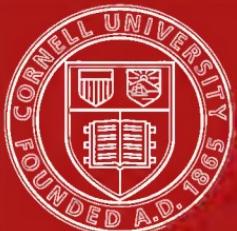
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**JUVENILE COURT LAWS IN THE  
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RUSSELL SAGE  
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JUVENILE COURT LAWS  
IN THE UNITED STATES

A SUMMARY BY STATES, BY THOMAS J. HOMER; A TOPICAL  
ABSTRACT, BY GRACE ABBOTT; AND THE NEW JUVE-  
NILE COURT LAW OF MONROE COUNTY, N. Y.

EDITED BY  
HASTINGS H. HART, LL.D.  
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RUSSELL SAGE FOUNDATION

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## PREFACE

THE material here presented is intended for the use of judges and officers of juvenile courts, of students of legislation, and of those who may undertake the preparation of new legislation or the revision of old legislation affecting dependent and delinquent children.

Part I is a summary of the juvenile court legislation of the United States to 1908, inclusive, which was prepared in 1909, under the direction of John Koren, expert special agent of the United States Bureau of the Census, by Thomas J. Homer, of the Suffolk (Massachusetts) Bar. With the consent of Mr. Koren, his summary has been revised so as to cover the legislation of 1909. For most of the states the revision is complete to the close of 1909. For a few states, the changes made by the legislatures of 1909 have merely been indicated by foot notes, the text itself still comprising the legislation in force in 1908. The summary is printed by permission of Mr. E. Dana Durand, Commissioner of the Census.

Part II is a topical abstract of state laws governing the trial and disposition of juvenile offenders, prepared by Miss Grace Abbott of Chicago in connection with a study of the Juvenile Court of Chicago made by the Chicago School of Civics and Philanthropy, for the Russell Sage Foundation, and covering legislation in force at the close of 1909. It is published with the consent of the officers of the school. This abstract is arranged topically under eleven topics: I. The Court Given Jurisdiction; II. Extent of Jurisdiction; III. Procedure; IV. Records and Reports; V. Place of Holding Court and Exclusion of the Public; VI. Disposition of the Child Pending Trial; VII. Final Disposition of the Child; VIII. Probation Officers; IX. Construction of Juvenile Court Laws; X. Adult Responsibility for Juvenile Delinquency; XI. Relation of Court to Institution in which Children are Placed.

Each topic is treated by states, alphabetically, enabling the reader to ascertain what is the legislation of each state with reference to each several topic. The topics are treated only in outline. For

## PREFACE

more complete information the reader is referred to the fuller summary in Part I of this volume, or to the statutes of the several states which are cited in the classified abstract. Part II will serve as an index to the contents of Part I, which covers the same material in much fuller form, arranged by states. It will be useful also as an index to the statutes of the several states on all of the points covered.

Part III is the Monroe County juvenile court law, applicable to the City of Rochester, New York, enacted by the Legislature of 1910. This law was drawn by leading jurists of Monroe County, with the assistance of Bernard Flexner, of the Louisville, Kentucky, Bar. It is hoped that it may serve as a model of juvenile court legislation for cities of the class to which Rochester belongs.

This volume is intended to supplement the volume on Preventive Treatment of Neglected Children, in the series entitled Correction and Prevention, prepared for the Eighth International Prison Congress.

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## PART I

# A SUMMARY OF JUVENILE COURT LAWS IN THE UNITED STATES

COMPILED UNDER THE DIRECTION OF JOHN KOREN, EXPERT SPECIAL AGENT OF THE UNITED STATES BUREAU OF THE CENSUS, BY THOMAS J. HOMER, OF THE SUFFOLK (MASSACHUSETTS) BAR. PUBLISHED BY PERMISSION OF THE UNITED STATES BUREAU OF THE CENSUS

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# A SUMMARY OF JUVENILE COURT LAWS IN THE UNITED STATES

## INTRODUCTION

BY JOHN KOREN

Expert Special Agent, United States Bureau of the Census

THE legislation summarized under this title includes not only the specific laws establishing separate tribunals for the trial of juvenile delinquents and the regulations governing such trials, but also laws relating to certain duties imposed upon juvenile courts.

In addition to hearing cases of delinquency, these courts are charged with the disposition of dependent and neglected children. In many instances the laws prescribing the authority and duty of the juvenile courts towards the three classes of children are so bound up together that they cannot very well be separated. Moreover, the functions of the juvenile courts and their peculiar place in the community cannot be correctly estimated if viewed solely in relation to delinquency cases. It therefore seemed wisest to incorporate in the summary the legislation relating to dependent and neglected children so far as the juvenile courts are concerned with them.

Less directly related to the subject of this report are the so-called "contributory delinquency" laws; that is, laws defining the responsibility of parents and others who cause or contribute to the delinquency of children. Yet laws of this nature are not only a distinct innovation, but have so direct a bearing upon the work of juvenile courts that it appeared unwise to omit them.

The Summary, in the case of most of the states, comprises the juvenile court legislation presumably in force at the close of the year 1909. In the case of the remaining states, the changes effected by the legislation of 1909 have merely been indicated by foot-notes,—the text itself still comprising the legislation in force in 1908.

The dates of the first juvenile court laws enacted in each state, as well as dates of subsequent enactments, have been noted, so that comparisons can easily be made in regard to the development of the juvenile court legislation.

## JUVENILE COURT LAWS SUMMARIZED

In some states no juvenile court legislation has been enacted. Where acts exist affecting only certain localities within a state, such acts have been incorporated.

No other compilation has been made of the juvenile court laws of all states which have them. It is hoped that this summary may prove a convenience to persons interested in or concerned with juvenile court legislation.

## A SUMMARY OF JUVENILE COURT LAWS

### ALABAMA

#### ALABAMA (*Mobile county.<sup>1</sup>*)

##### *An act as to juvenile delinquents in Mobile county*

[Local acts, 1907, p. 363; No. "207."]

SECTION 1. (*Age limit.*) Applies only to children under 17, not inmates of a state institution or of any Alabama-incorporated institution for delinquent children.

SEC. 2. (*Definitions, etc.*) "Juvenile delinquents" shall include any child under 17 who violates any state law, or any ordinance of a city or town in Mobile county. [Continuing: The rest of the definition, and after that, of the section, is similar to Colorado, L. 1903, ch. 85, sec. 1, *infra.*]

SEC. 3. (*Jurisdiction. Appeals. Jury trial.*) The inferior criminal, and the probate courts, of Mobile county, and the recorder's court of the city of Mobile, shall have concurrent jurisdiction. Appeals and jury trials shall be taken to, or had in, the city court of Mobile and "the same shall be" [taken thence?] to the state supreme court. [The trial judge remands the child to the probation officer, and the city court, which may proceed *de novo*, is provided with the trial record, and the addresses of witnesses and persons interested.]

SEC. 4. (*Annual reports.*) The several clerks shall keep a "Juvenile Record," and shall report on delinquent children to the county commissioners annually.

SEC. 5. (*Procedure.*) Proceedings shall be by information or complaint of any probation officer provided for hereby, or of the city chief of police or attorney, or of the county attorney.

SEC. 6. (*Warrant. Incarceration. Notice.*) A warrant or capias may issue; but incarceration takes place only when necessary. A parent, or the guardian, or the child himself, shall be notified of the trial. The probation officer shall receive at once the custody of the child.

SEC. 7. (*Bonds for appearance.*) Any child shall have the right as now given by law to give bonds for his appearance at the trial; and counsel may be appointed for him.

SEC. 8. (*Probation officer. Duties.*) The two judges and the recorder shall jointly appoint a paid probation officer. [For his duties, see Illinois, juvenile court law, in sec. 6, *infra.*] He has all the power of the sheriff and the police officers.

SEC. 9. (*Placement, etc.*) [Disposition of the child. Section similar to Ohio, sec. 9 of the act of 1902, *infra.* For "minority" read *twenty-one*; for "dependent" read *delinquent*.]

SEC. "16." [10.] Children are not to go to, or remain in, institutions whose standing is not satisfactory to the court.

SEC. 11. (*Non-repeal.*) (No repeal of general laws as to industrial schools or as to juvenile delinquents.)

SECS. 12-13. Construction of act. [See Colorado, L. 1903, ch. 85, secs. "11-13" (sec. 12), *infra.*]

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<sup>1</sup> A juvenile delinquents act, *for the state* (L. 1907, p. 442; No. "340"), was soon repealed. (L. Spec. sess., 1907; No. 28.) See, however, L. 1909 (p. 117); No. "106."

As to s. 6465 (of the Code of Alabama, 1907), as it does not represent said act "340" of 1907, the status of it, as in force as amended by said act of 1909, is not in doubt.

## JUVENILE COURT LAWS SUMMARIZED

### ARIZONA

#### ARIZONA

In 1907 was passed an act (ch. 78)<sup>1</sup> relating to "the powers of the several district courts of the territory" as to "dependent, neglected, incorrigible, and delinquent children" under 16.

This act resembles No. 205 of the Pennsylvania laws of 1903, *infra*; but in Arizona the jurisdictional courts are the *district* courts, and the word "juvenile" is not used. Sessions for children shall be separate and apart from the sessions for general criminal business, and there shall be a separate docket for [juvenile] proceedings. The judge may sit in open court or in chambers.

The court, before or after conviction of a child by a justice of the peace, may stay any proceeding had, or set aside any sentence passed, by such justice.

The board of control shall release in its discretion, or may duly place out, children committed to the territorial industrial school.

#### ARKANSAS

[Probably no Juvenile Court legislation, through 1909.]

#### CALIFORNIA

The juvenile court and probation system was established by ch. 43 of 1903. There followed ch. 610 of 1905, either amending (or superseding?) the act of 1903; and the act of 1905 was amended by ch. 427 of 1907.

These acts of 1903 and 1905 and probably also the act of 1907, have been repealed by ch. 133 of 1909, *infra*; subject to a certain proviso (contained in sec. 29 of the act of 1909) that all orders and judgments made heretofore under "said act" (presumably the act of 1903, whether before or after being affected by either or both of the acts of 1905 and 1907) "shall continue in full force and effect," [etc., etc.]. (In the case of the act of 1907, it appears to have been approved March 21, while the repealing clause of the act of 1909 deals with an act of 1907 recited as an amendment, to the act of 1903, approved March "27" (1907), but it seems probable that one and the same act is intended; and the repeal of the act of 1907 is assumed to have occurred. But cf. Kerr's Biennial Supplement, San Francisco, 1910; pp. 1471-1472.)

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*An act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until 21; for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the officers' salaries; providing for detention homes for said children; for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent acts.*

[L. 1909; ch. 133.]

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<sup>1</sup> This act has been subsequently amended. (L. 1909, ch. 57.)

## A SUMMARY OF JUVENILE COURT LAWS

### CALIFORNIA

**SECTION 1.** (*Name of act.*) This, the "Juvenile Court Law," shall apply only to children under 18 not now or hereafter inmates of a state institution.

(*Dependent child.*) For this act, "dependent child" shall mean any under 18:

(1) Who is found begging or receiving alms, whether actually begging or affecting to sell or offer for sale; or

(2) Who is found in any road or public place for so begging or receiving alms; or

(3) Who is a vagrant; or

(4) Who is found wandering and without home, or settled place of abode, or proper guardianship, or visible means of subsistence; or

(5) Without parent or guardian; or without parent or guardian willing, "or" [and?] able, to exercise proper parental control; or

(6) Destitute; or

(7) Whose home, through fault of parent, or guardian, or custodian, is unfit for the child; or

(8) Who frequents the company of reputed criminals, vagrants or prostitutes; or

(9) Found living or being in any house of prostitution or assignation; or

(10) Who habitually visits, without parent or guardian, any saloon, pool room or place where liquors are disposed of; or

(11) Who persistently refuses to obey the reasonable and proper order or directions of his parents or guardian; or

(12) Incorrigible; that is, beyond the control and power of parents, guardian, or custodian owing to the vicious conduct or nature of said minor; or

(13) Whose father is dead or has abandoned his family or is an habitual drunkard, or does not provide for him, and the minor is destitute of a suitable home or of adequate means of obtaining an honest living, or is in danger of being brought up to lead an idle or immoral life; or where both parents are dead, or the mother [the father being dead?] cannot properly support and care for the minor; or

(14) Who is an habitual truant within "An act to enforce the educational rights of children and providing penalties for the violation" thereof, approved March 24, 1903, and who is not placed in a parental school thereunder, or who, being over 14, refuses to go to school as directed by parents, duly authorized guardian [,] or legal custodian; or

(15) Who, habitually, drinks intoxicating liquor or smokes cigarettes, or who habitually uses opium, cocaine, morphine or other similar drug, without the direction of a competent physician.

(*Delinquent child.*) The words "delinquent child" shall include any under 18 who violates any state law, or municipality or county ordinance, defining crime.

**SEC. 2.** (*Superior court jurisdiction. Juvenile court.*) The superior court in every county shall exercise the jurisdiction conferred by this act, and while sitting in the exercise of its said jurisdiction, shall be known and referred to as the "juvenile court." In counties having more than one superior court judge, such judges (the presiding judge, in counties of the first class<sup>1</sup>) shall designate one or more of their number to hear all cases coming under this act,—the court when acting hereunder to be called the "juvenile court." All cases shall be heard at a separate session, entertaining no other matters; nor shall there be present any defendant not coming hereunder.

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<sup>1</sup> 300,000 and over. (San Francisco.)

## JUVENILE COURT LAWS SUMMARIZED

### CALIFORNIA

SEC. 3. (*Complaint. Petition.*) Any person may without fee file in the superior court a verified petition, in the case of a dependent or delinquent child "within the county, or residing within the county."<sup>2</sup>

SEC. 4. (*Procedure. Detention.*) [See Wisconsin, sec. 573-5, subdivisions 1-2, *infra*. In California the process is by citation<sup>3</sup> instead of summons. There the parents, or guardian, or relative, must live in the county where the court sits to entitle them to notice; further notice is provided for; and if there be no one to be cited, a warrant may issue against the child immediately.] Pending the final disposition of a case the child may be suitably detained.

SEC. 5.<sup>4</sup> (*Commitment. Age limit of term of commitment.*) Any child under "nineteen"<sup>5</sup> years judicially found dependent or delinquent, within the meaning of this act, may be committed to some reputable citizen of good character, or to some organization that cares for, or obtains homes for, dependent or "neglected" children,—or to the probation officer or "other person," [the child?] to remain at home. The court may thereafter set aside or modify the order, during the minority of the child, who may be committed, if a boy, to the Preston State School of Industry, or the Whittier State School, during his minority, or, if a girl, to the latter school until 21; *provided*, in the case of either institution it shall be learned from the superintendent whether the child can be received; and if not, the court shall make other fitting order for his disposition.

SECS. 6-8. (*Probation committees.*) The superior court judge for each county, or city and county, and, in counties having more than one judge, the judge designated as "judge of the juvenile court," shall appoint seven citizens of either sex as "probation committee,"—to hold office for four years, and serve without pay.

SEC. 9. (*Investigation of organizations.*) A probation committee or probation officer may be required to investigate any organization (other than a state institution) receiving, or applying for, a child hereunder,—and to report to the court; but nothing herein authorizes any probation committee or probation officer to enter an establishment ("institution") without its consent.

(*Reports. Control of detention homes.*) The several committees shall annually report in writing upon all organizations (except state institutions) applying for, or receiving, children, from their respective courts. Also, the appropriate probation committee shall control and manage the internal affairs of any detention home established by the board of supervisors of their county; which board shall provide for the payment of suitable detention-home employees.

SEC. 10. (*County probation officer.*) In every county shall be appointed, as hereinafter provided, a probation officer. He may appoint deputies; but they shall not act until [duly] approved. Deputies, except as hereinafter provided, shall serve without pay.

SEC. 10a. (*Officers and assistants. Schedule of salaries.*) In "counties,"<sup>6</sup> or

<sup>2</sup> Cf. the first part of sec. 17.

<sup>3</sup> It may be well to note that one of the (California) side-notes of sec. 4 of the printed act itself is "Failure to answer citation."

<sup>4</sup> Cf. sec. 17, *infra*.

<sup>5</sup> This provision appears to be inoperative, where a child is not under 18. See sec. 1, at its beginning.

<sup>6</sup> See sec. 10.

## A SUMMARY OF JUVENILE COURT LAWS

### CALIFORNIA

cities and counties, of the 1st class,<sup>7</sup> there shall be one probation officer, and ten assistant probation officers. Monthly salaries, from \$225 down.

SEC. 10b. Counties,<sup>6</sup> and<sup>7</sup> 2nd class. [150,000-299,999. (Los Angeles.)] One probation officer, six assistant officers. Monthly salaries, from \$200 down.

SEC. 10c. Counties, 3d class. [100,000-149,999. (Alameda.)] One; and four. From \$175 down.

SEC. 10d. Counties, 4th class. One; and one. From \$150 down.

SEC. 10e. Counties, 5th class. One; and one. From "\$175" down.

SEC. 10i. [No intervening sections.] Counties, 9th class. One probation officer. §125. [As to provision for a county of the 6th class, for a county of the 7th class, and for many other counties whose respective classes are not specifically referred to in this series of sections, see sec. 10z, *infra*.]

SEC. 10j. Counties, 8th, 10th, 16th, and 17th classes. One probation officer. [Apparently one in each county. And see sec. 10.] \$100 "each."

SEC. 10k. 20th and 30th classes. One (in each county). \$75.

SEC. 10l. 25th, 33d, 35th, 40th, 42nd, 43d, 45th, 46th, 47th, 52nd, and 53d classes. One (in each county). \$10.

SEC. 10m. In "each <sup>8</sup> of the counties" <sup>8</sup> of the 11th class, one. \$80.

SEC. 10n. 56th and 57th classes. One (in each county). \$5.

SEC. 10z. (*All other counties.*) [No intervening sections.] In every other county than those heretofore "expressly enumerated" the officer's salary shall be \$35.

SEC. 11. (*Salaries a county charge.*) The salaries of all probation officers and assistant probation officers shall be paid from the respective county treasuries, conformably to the salaries of county officers.

SEC. 12. (*Expenses.*) [Probation officers, assistant probation officers, and deputy probation officers to be allowed "necessary incidental expenses" as authorized by the juvenile judge.]

SEC. 13. (*Office of probation officer created. Term. Removal.*) The offices of probation officer and assistant probation officer are hereby created. [Such officers, to be nominated as shall be directed by, and to be appointed by,—the appropriate juvenile judges.—Term of office, two years.—Removal.]

SEC. 14. (*Clerk of court to notify probation officer of hearing. Exception.*) Before a hearing, the probation officer of the county shall be notified; except where the child is brought in by an organization that cares for dependent or delinquent children, and that has been approved in the probation committee's latest report.

SEC. 15. (*Investigation by probation officer, and report to judge. Report by organization.*) The probation officer shall inquire into, and report in writing upon, the child's antecedents, character, and environment, and the cause of delinquency or dependency; but not where a dependent or delinquent child is already under charge of an organization that cares for "dependent" children, and that has been approved in the probation committee's latest report,—except "when the judge so specially orders." [Ordinarily] such an organization, if so in charge, shall report, in place of the officer.

<sup>6</sup> See sec. 10.

<sup>7</sup> As to population and classification of counties, see the Political Code, §§4005c-4007. (In Kerr's "Biennial Supplement," San Francisco, 1910.) From §4005c it appears that on March 20, 1909, each county occupied a separate class.

<sup>8</sup> Cf. note 7. (Humboldt seems to have been, as recently as 1909, the only county of the 11th class.)

## JUVENILE COURT LAWS SUMMARIZED

### CALIFORNIA

(*Duties and powers of probation officer.*) The officer, [or?] the association's agent, shall be present in court to represent the child's interests, and to assist, and make such report to, the court; and shall take charge of the child as ordered. Every probation officer and assistant probation officer shall have the powers of a peace officer. "Such" officer may bring his charge before the court for further judicial action.

(*Assistant or deputy. Probation officer's responsibility.*) Any of the probation officer's duties shall be performed by an assistant or deputy officer when the probation officer directs. The latter shall see that his assistant and deputy officers perform their duties.

SEC. 16. (*Criminal charges. Age of accused. Procedure. Certificate to the juvenile court. Suspension of proceedings. Transfer of defendant.*) Whenever, "in any court other than a superior court," a criminal charge shall be filed, and it shall be suggested to the magistrate that the defendant is under 18, the magistrate shall immediately suspend all proceedings against him and examine into his age; and if, therefrom, it shall appear to the magistrate that the defendant is under 18, the former shall forthwith certify to the juvenile court of "his" county (a) the charge, (b) the age of defendant, and (c) the suspension of proceedings, with date of suspension; and "immediately thereupon" [thereafter?] all proceedings against said person on said charge shall "be" [continue?] suspended until [and unless?] said juvenile court shall, as hereinafter provided, direct the court before which said charge was pending to proceed with the case; and the court so suspending proceedings shall forthwith transfer the defendant to the juvenile court of his county for consideration and proceedings under this act.

(*Procedure in juvenile court. Bail. Custody (temporary) of defendant. Juvenile court orders.*) The judge of the latter court shall cause a complaint to be filed as provided in sec. 3 and shall fix a time for considering the matter and shall issue [a?] citation, as provided in sec. 4. Pending "such" hearing, the defendant may be admitted to bail or his temporary custody may be provided for as in case of a child after a finding of delinquency. The juvenile judge may further investigate the defendant's age and may also inquire into his condition and care and make proper orders for his disposition under this act.

(*Determination of defendant's age. Disposition of the case.*) If, after such investigation, the judge shall decide that the defendant was, at the time the offense (as alleged) was committed, 18 years old or more, such determination shall be conclusive and he shall immediately direct the court before which the charge "is" pending to proceed, and the latter shall proceed with the examination or trial of said charge as though no suspension thereof had occurred; but if the [juvenile] court shall find that the person so charged is under 18 and meet for consideration under this act, and is a delinquent child, he may order as he may deem best in relation to the child; but, further, if he shall at any time conclude that the case is not meet for further consideration under this act, he may remand the case to the court in which the latter "is" charged with the offense, for further proceedings, and such court shall be vested with full authority to proceed with examination or trial.

(*Statutes of limitation suspended. Effect of order of discharge by juvenile court.*) All statutes of limitation relating to the charge "so" pending shall be suspended from the magistrate's issuance of certificate hereinbefore provided for, until the juvenile court "shall" [may?] remand the case as aforesaid; and all statutes of limitation re-

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lating to any charge, made in any court, against any person under 18, shall be suspended as to such charge and person whenever, and as long as, the child is before the juvenile court for consideration under this act, or is detained by virtue of any commitment issued hereunder and unrevoked; [and], if the child shall be discharged by the juvenile court, as reformed, such order of discharge shall be a bar to any further proceedings in any court against the child upon said charge.

SEC. 17. (*Delinquency procedure. Notice of hearing. Recourse to criminal procedure. Condition precedent to criminal prosecutions.*) Whenever it is claimed that a child under 18 is delinquent as defined in this act, a verified petition shall be filed in the juvenile court of the county "wherein said delinquency occurred,"<sup>9</sup> stating the facts thereof, and that the child is under 18, and praying an adjudication of delinquency. Notice shall be given of the time and place of hearing as in case of a claim of dependency.<sup>10</sup> If the court shall adjudicate delinquency, the proper order shall be made, as in this act provided. If the court shall determine that the child is not meet to be dealt with under this act's reformatory provisions, the petition may be dismissed and the child prosecuted under the general law. No child under 18 shall be prosecuted for crime until the matter has first been submitted to the juvenile court by petition as herein provided, or by certificate of "the lower court" [cf. sec. 16, at its beginning] as provided in sec. 16.

SEC. 18. (*Suspension of proceedings in felony cases over 18 and under 20. Exceptions. Delinquent children procedure. (Cases over 18 and under 20.) Resumption of criminal procedure.*) Whenever any person over 18 and under 20 is accused of a felony, and the charge against him has been filed in the superior court of the county of the crime, the judge may, with the consent of the accused, or upon his request, stay the proceeding at the time of arraignment or at any time before the impanelment of a jury, except where the crime charged is a capital offense or an attempt to commit a capital offense; and may proceed to investigate the matter, and shall determine whether the person shall be dealt with as a delinquent under this act, and, if satisfied upon investigation that this should be done, may order as herein provided for the disposition of delinquent children. Should the defendant prove not amenable to the school of commitment, and its trustees determine that he "should be committed to a state penitentiary," he shall be returned to the county of the crime, and proceedings be had upon the charge from the point of stay; and he shall be tried for the offense alleged, and if convicted shall be sent to the penitentiary, or otherwise dealt with as one convicted of a felony.

(*Delinquent children procedure, after conviction, in above cases.*) If the defendant makes no request for proceedings under this statute, or if the judge declines such request, or if the defendant desires a jury trial, the cause shall proceed to *guilty or not guilty*, as the case may be. If the defendant is convicted, the court may thereafter receive evidence, as to whether he should be dealt with as a delinquent as hereinbefore provided in case of the application "and" [or?] consent of the accused before trial, and may order probation or commitment to said state schools, and may modify said "probation" orders, as herein provided in case of children adjudged delinquent.

(*Recourse to criminal sentence.*) If the defendant during his commitment to said state institution, proves incorrigible or not amenable, and the trustees deem that

<sup>9</sup> Cf. sec. 3.

<sup>10</sup> Cf. sec. 4.

## JUVENILE COURT LAWS SUMMARIZED

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he should be sent to the penitentiary, he shall be returned to the superior court that entertained the verdict, for sentence, and judgment shall be pronounced.

SEC. 19. (*Detention pending delinquency hearing.*) The juvenile court, pending the hearing, at any time before a child alleged to be delinquent is so adjudged or [is] otherwise disposed of, may have him detained in any county detention home, or otherwise temporarily provided for "in any manner provided herein for the care of a child after the termination [determination?] of his delinquency."

SEC. 20. (*Disposition of child declared delinquent.*) If found delinquent, the child may be committed to the probation officer and allowed to remain at home, subject to the visitation of "a" probation officer,—to report to the officer as often as required, and to be returned to court for further proceedings when such action may appear necessary or desirable; or may be committed to the officer, to be placed in a suitable family home subject to the latter's supervision and to the court's further order; or the officer may be ordered to board out the child in some suitable family home if the board-money be provided, until a home for the child be suitably provided without payment of board; or the child may be committed, for such time during his minority as to the court may seem fit, to some organization caring for dependent or delinquent children; or may be committed to a state school as hereinbefore provided, or to such other state institution as may be authorized by law to receive him.

(*Public detention quarters.*) Should the legislative body of "the" county, or city and county, or "if" [off?] a municipality, provide a suitable place for the detention of such dependent or delinquent children, which "they" are "hereby" <sup>11</sup> authorized and required <sup>11</sup> to do,—such children, after adjudication, may be committed thereto, for a definite period, to be specified in the order, at the end of which the child shall be brought in for further order. The court may thereafter set aside or modify "said" order, and provide for a further detention in said place.

(*Limit of jurisdiction of court. Commitment to state institutions.*) The court shall retain jurisdiction over any child found delinquent until his majority, or, if a girl, until she attains 21 (unless she marries with the court's consent); or until said minor is deemed to have reformed and further direction and supervision under this act are deemed unnecessary. If a boy, said child may be committed to the Whittier State School or the Preston State School of Industry at any time during his minority, for minority; if a girl,—to the Whittier State School at any time before 21, until 21. Such child may be committed to any other state institution for such children.

(*When child proves incorrigible. Minors under 14.*) If such child, after being sent to the Whittier school or the Preston school or such other institution, shall there prove incorrigible or incapable of reformation under the school's discipline, he may be returned to the juvenile court for further order or disposition. Thereupon, if the child be accused of felony, the judge shall sit as a committing magistrate and hold the preliminary examination, and if he shall find probable cause to believe that the child has committed the offense charged in the petition theretofore filed, he shall hold the child over to the superior court, and thereupon the usual proceedings shall be had for the trial of said case in the superior court, and the child shall be tried by court and jury in the usual manner of felony trials.

*Provided, however,* that no minor under 14 at the time of the commission of the offense charged shall ever be sent to a penitentiary until he has first been committed

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<sup>11</sup> See sec. 25.

## A SUMMARY OF JUVENILE COURT LAWS

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to the Whittier school or the Preston school, and has there proved incorrigible or not amenable to the school discipline.

(*Restrictions.*) No minor under 8, or suffering from any contagious, infectious, or other disease which would probably endanger the lives or health of the other inmates of said state schools shall be committed thereto; nor shall a minor be committed thereto unless the judge shall be fully satisfied that he will be benefited by the reformatory educational discipline thereof.

SEC. 21. (*Expense of maintenance. When county shall pay. Limitation of order. Renewal.*) [Dependent or delinquent child.—Maintenance expenses may be ordered paid by parent or guardian.—Order on control of child thereby.—Contempt of court.—If necessary, court may direct contribution from county, not over \$11 per month per child; but no order upon the county for "all" or part of the maintenance expense of a dependent or delinquent child shall be effective for more than six months, "unless" a new order is secured at the expiration of that period.—Power of court to set aside, etc., any order herein provided for.]

SEC. 22. (*Power to modify.*) Any order made by "said" court in case of "a dependent or delinquent person" may at any time be modified in the judge's discretion.

SEC. 23. (*Private hearings.*) Any child may have a private hearing on question of dependency or delinquency; and upon request of child, or parent or guardian such hearing shall be had in manner provided by law for private hearings at preliminary examinations.

(*Adjudication not a conviction of crime.*) A court order adjudging a child dependent or delinquent under this act shall in no case be deemed a conviction of crime.

SEC. 24. (*No jail commitment of children under 16. Detention.*) No child under 16 shall be committed to any jail or prison, before trial and conviction; but if not released pending "such" hearing, he may be committed to a sheriff or other peace officer, who shall detain him suitably elsewhere, as the court may direct.

(*Separation from adult prisoners.*) No child under 16 sentenced to any institution to [or in] which adult prisoners are sentenced or confined, shall be confined in the same enclosure with such adults, or permitted to come in contact with them.

SEC. 25. (*Detention homes.*) Every county, or city and county, shall provide and thereafter maintain a "detention home," for dependent and delinquent children, not to be connected with any jail or prison, or treated as a penal institution,—and to be conducted as nearly like a home as possible. [Provisions for superintendent and matron,—to be appointed by "said governing body," upon nomination of probation committee and approval of judge of juvenile court.]

SEC. 26. (*Penal liability of a contributor to a child's dependency or delinquency. Suspension of sentence. Sentence. Bond.*) In all cases of children dependent or delinquent under this act, the parent, legal guardian or custodian, or any other person who shall, by any act or omission, encourage, cause, or contribute to, the child's dependency or delinquency,—shall be guilty of a misdemeanor, punishable by fine not exceeding \$1000, or by county jail imprisonment for not more than one year, or by both, and the juvenile court shall have jurisdiction of all such misdemeanors. Sentence for a violation of these provisions may be suspended, and conditions as to the conduct of any person convicted may be imposed, and the suspension may depend upon fulfilment of conditions; and, should a breach of any conditions occur, the court

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may impose sentence as if there had been no suspension. [Provisions as to bond; which the court may, as a condition of suspension, require.]

SEC. 27. (*Construction and purpose of act.*) This act shall be liberally construed that its purpose may be carried out: That the care, custody and discipline of a child shall approximate what should be given by his parents, and in all proper cases, the child shall be placed in an approved family, with people of the "same"<sup>12</sup> religious belief, and become a member of the family, by legal adoption or otherwise.

(*Limitations upon withdrawal of child from parent or guardian.*) No child, without consent of parent or legal guardian, shall be taken from his custody, unless the court shall find him unable, or to have failed or neglected, to provide proper maintenance, training and education for the child; or unless the child has been tried on probation in said custody, and has failed to reform, or unless the court shall find that the child's welfare requires that he shall be taken from said custody.

("County.") In this act "county" shall include "city and county."

SEC. 28. (*Certain acts superseded.*) This act shall supersede "An act to establish a state reform school for juvenile offenders, and [etc.]," approved March 11, 1889, and "all" amendments thereto, and "An act to establish a school of industry and [etc.]," approved March 11, 1889, and all amendments thereto relating to the mode of commitments to the institutions "therein" named; but said acts shall control as to all matters concerning the management of "said institutions, respectively."

SEC. 29. (*Repeals. Effect of judgments heretofore made.*) The act [of 1903, referred to above, near the beginning], approved Feb. 26, 1903; and the amendments thereto approved March 22, 1905, and March "27" [assumed to mean L. 1907, ch. 427, approved March 21, 1907,—are hereby repealed; *provided, however,* that all orders and judgments made heretofore under said act shall continue in full force and effect, and that the court shall retain jurisdiction of all children heretofore declared dependent or delinquent, and such children shall be hereafter dealt with as if such orders had been made under "this" act, and all proceedings now pending shall be continued under this act. All children now on probation from justice courts shall remain on probation for the period fixed in the judgment, and if required may be certified to the superior court in the manner in "said act"<sup>13</sup> provided. When so certified the said certificate shall be dealt with as herein provided for a petition alleging delinquency.

### COLORADO

(*Legislation, 1903.*) The earliest juvenile court laws of Colorado were enacted in 1903, when the following laws were approved:

(a) The act establishing the court (ch. 85).

(b) The act giving original jurisdiction to county courts in all criminal cases against minors (ch. 86).

(c) An act providing for the punishment of persons contributing to the delinquency of children (ch. 94).

The last-named law was the pioneer in its class; and in the few years that have intervened its principle has been embodied in the laws of many other states.

<sup>12</sup> Cf. the Penal Code (1909), sec. 1388, providing that in certain cases a minor may be committed to any strictly *non-sectarian* charitable corporation for the reclamation of criminal minors.

<sup>13</sup> Cf. L. 1905, ch. 610, "Sec. 16."

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(Recent legislation.) Since 1903 the Colorado law has been somewhat extended<sup>1</sup> and amended<sup>2</sup>; an act has been passed penalizing persons responsible for juvenile dependency or neglect, and the jurisdiction of the juvenile court has been specifically extended to cases of children in a condition of dependency or neglect. Provision has been made for a house for the detention of children, in Denver county, and a juvenile court law framed with especial reference to Denver has been passed.

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*An act concerning delinquent<sup>3</sup> children<sup>4</sup>*

[L. 1903, ch. 85.]

SECTION 1. (Age limit.) This act shall apply only to children under 17 not inmates of a state institution, or of any Colorado-incorporated institution for delinquent children.

(Delinquent child.) "Delinquent child" shall include any child under 17 who violates a state law or municipal ordinance; or is incorrigible; or knowingly associates with thieves, or vicious or immoral persons, or is growing up in idleness or crime; or knowingly visits a house of ill repute or gambling place; or visits any liquor saloon, public pool room or bucket shop; or idly roams the streets at night; or habitually wanders about railroad property, or jumps or hooks on to any moving train, or enters any car or engine without lawful authority; or habitually uses bad language; or is immoral publicly or near a schoolhouse.

(Evidence.) No disposition of a child under this act, nor any evidence given in the cause, shall be legal evidence against him, save in later cases against him hereunder.

SEC. 2. (Jurisdiction. Jury. Juvenile court. Annual report.) The county courts shall have jurisdiction of these cases.<sup>5</sup> Anyone interested may demand a jury; or it may be called by the judge. In counties of the first<sup>6</sup> and second<sup>7</sup> class a special book shall be kept for the juvenile record, and the court may be called the juvenile court. Juvenile delinquent cases shall be reported annually to the state board of charities and corrections; but neither the name nor identity of any child or parent shall be disclosed.

SECS. 3<sup>7</sup>-5. (Initial procedure.) All proceedings shall be by information, to be filed by the district attorney, or by a sworn complaint, to be filed by such attorney or a probation officer.

(Deputy district attorney.) District attorneys may appoint a deputy in each county. In counties of over 100,000,<sup>8</sup> the county judge may direct that such appointment be made, when he deems it necessary.

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<sup>1</sup> Including L. 1909, chapters 156, 157, 158.

<sup>2</sup> As to "delinquent children," see L. 1909, ch. 158.

<sup>3</sup> The Denver juvenile court act of 1907 (*infra, ad fin.*) repeals all acts or parts of acts inconsistent therewith, but it is applicable only to each county, and-municipality designated as a city and county, containing 100,000 or more inhabitants.

<sup>4</sup> They have jurisdiction also over "juvenile disorderly" persons (truants). See L. 1903, ch. 164.

<sup>5</sup> Denver (formerly part of Arapahoe) county.

<sup>6</sup> El Paso, Pueblo, and Teller.

<sup>7</sup> Sec. 3 has been subsequently amended. (L. 1909, ch. 156.)

<sup>8</sup> Denver.

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### COLORADO

(*Fees. Exception.*) No fees shall be taxed or collected by court or individual, nor shall any county pay fees, unless the child shall be proceeded against in the county court in accordance with this act [except in capital cases and certain other cases stated].

SEC. 6. (*Provisions for the child's presence in court. Jail detention prohibited.*) Incarceration may follow warrant issued upon information filed, only when necessary to insure the child's attendance in court. The promise of the parent or any other proper person to have the child at the hearing may be accepted by the judge or sheriff. Should the child without excuse fail to appear, the guarantor may be proceeded against and punished for contempt, and the warrant or capias against the child may be executed; but any one placing a child under 14 in any common jail or lockup shall be guilty of a misdemeanor, and fined not more than \$100.

(*Bond for appearance.*) Any child informed against may give bond for his appearance at the trial, and the court may appoint counsel on his behalf.

SEC. 7. (*Transfer to county court. Felony.*) An arrested child under 17 shall be taken directly before the county court, or, if taken before a justice of the peace, or police magistrate, shall be transferred to the county court. The latter may proceed with the case, or, where the delinquency charged would otherwise constitute a felony, may detain the child until information or complaint is filed.

(*Proviso.*) Nothing herein shall confer jurisdiction upon any justice or police court to try a child under 17.

SEC. 8. (*Probation officers. To be notified, if practicable. Duties.*) The county courts may appoint probation officers, unpaid, save as herein provided. An officer shall be notified when a child is to be brought before the court; shall investigate the case, inform and assist the court, represent the child at the trial, and take charge of him before and after.

(*Paid officers.*) In each county of over 100,000 there shall be not more than three paid officers, a chief and two assistants; in each other county of over 15,000,<sup>9</sup> not more than one paid officer; the latter appointment to be made only when deemed necessary by the county judge and a majority of the county commissioners. Paid officers in counties of over 100,000 must be approved by the state board of charities and corrections.

(*Powers.*) Paid officers are vested with all power and authority of sheriffs to make arrests and perform other appropriate duties.

SEC. 9. (*Disposition of the child.*) [Section similar to Ohio, sec. 9 of the act of 1902, *infra*. For "minority" read *twenty-one*; for "dependent" read *delinquent*.]

SEC. 10. (*Supervision of child-caring organizations by state board of charities and corrections.*) All organizations receiving children hereunder shall be supervised by the state board of charities and corrections, which, if satisfied of an organization's qualifications, shall issue a certificate to that effect, valid for one year, unless revoked.

SECS. 11-13. (*Construction of act.*) This act shall be liberally construed: That the care, custody, and discipline of the child shall approximate as nearly as may be that which should be given by the parents; and that as far as practicable any delinquent child shall be treated not as a criminal, but as misdirected and in need of aid and encouragement.

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<sup>9</sup> Boulder, El Paso, Fremont, Lake, Las Animas, Pueblo, Teller, and Weld.

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### COLORADO

*An act to confer original jurisdiction upon county courts in all criminal cases against minors*

[L. 1903, ch. 86.]

Section 1 gives original jurisdiction to the county courts in all criminal cases against minors. Section 9 provides that all minors found guilty in the county court of any violation of any law of Colorado, "or of any crime," may be subjected by such court to the probation system for delinquent children. Section 10 specifically refers to minors over 16.

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*An act penalizing contributors to juvenile delinquency*

[L. 1903, ch. 94,<sup>10</sup> as amended by ch. 155<sup>10</sup> of 1907.]

(*Misdemeanor. Penalty. Suspension of sentence.*) Whoever shall be responsible for, or shall contribute to, a child's delinquency shall be guilty of a misdemeanor, punishable by fine of not more than \$1,000, or imprisonment for not more than one year, or by both. (Upon a person found guilty the court may impose conditions, and during compliance therewith sentence may be suspended or execution stayed, but not for more than two years. Absolute suspension of sentence may follow.)

(*Appeals.*) Appeals lie to the district court as in civil cases.

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*An act penalizing persons responsible for juvenile dependency or neglect*

[L. 1905, ch. 81.<sup>11</sup>]

SECTION 1. (*Misdemeanor. Penalty. Jurisdiction.*) The parents or other persons responsible for a child's dependency or neglect<sup>12</sup> shall be guilty of a misdemeanor, punishable by a fine of not more than \$100, or by imprisonment for not more than ninety days, or by both. "The county courts (juvenile courts)" shall have jurisdiction hereof; and an appeal shall lie to the district court.

SECS. 2-5. (*Suspension of sentence. Bond.*) The court may suspend any sentence hereunder, or release anyone sentenced, if he (the defendant) shall furnish a sufficient bond, for suitable monthly payments for the support of each child, while under commitment.

(*Probation. Forfeiture.*) The court may also suspend sentence, and permit a dependent child to remain with any person so found guilty, upon conditions imposed by the court and calculated to remove such dependency or neglect. Should the defendant comply herewith, he shall be considered on probation. (If he gives a bond, the conditions may be made a part thereof.) Should he fail to comply, the bond or term of probation may be declared forfeited and ended, and the original sentence may be executed.

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<sup>10</sup> Cf. L. 1909, ch. 157. See also L. 1909, ch. 158.

<sup>11</sup> Cf. L. 1909, ch. 157. See also L. 1909, ch. 158.

<sup>12</sup> Cf. L. 1907, ch. 168, *infra*.

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(*Judgment on bond. Application of bond collections.*) Any collections on the bond shall be applied to the care of the child, or, if not needed for him, shall become a part of the county funds.

SEC. 6. [Nonrepeal. Repeal.]

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*An act concerning dependent and neglected children*<sup>13</sup>

[L. 1907, ch. 168.]

SECTION 1. (*Dependent or neglected child.*) "Dependent child" or "neglected child" shall mean any child under 16 who is a public charge, or destitute or abandoned; or without parental care; or who habitually begs or receives alms; or lives with the vicious or disreputable; or whose home, through fault of parent or other custodian, is unfit; or whose environment warrants the state in assuming guardianship.

SEC. 2. (*Jurisdiction. Jury. Appeals.*) The county and juvenile courts shall have original jurisdiction hereunder. Anyone interested may demand a jury of six or of twelve, or a jury may be ordered by the judge. Persons interested may be represented by counsel. Cases may be appealed from as in civil cases.

SEC. 3. (*Petition. Detention of child.*) Any officer of the state board of child and animal protection or of the juvenile court, or any resident of the child's county, may file with the county (or juvenile) court a petition stating the case. [In certain cases of emergency] the child may be detained without any process whatever, but the detaining officer shall within forty-eight hours file a petition and proceed thereunder.

SEC. 4. (*Citation. Personal representative of child in court. Emancipation from custodian.*) If the parent or guardian reside in the county, he shall be duly cited; if not, or if he requests that the child be declared dependent, the examination and hearing may proceed without citation. Failing parent or guardian, an appropriate person shall be appointed to represent the child in court. After separation of the child from parent or guardian, the latter shall have no rights to the custody, services, or earnings of the former, except conditionally, or upon legal restoration of the child.

SEC. 5. (*Hearing.*) The court shall investigate the facts as to dependency, the child's residence, and the whereabouts of his nearest adult relative or his guardian; when and how long he has received public or private charity; the occupation of the parents, and whether they are a public charge, or have abandoned the child; and shall ascertain so far as possible (if it be a case of dependency) the causes thereof.

The county or district attorney, on request, shall appear in behalf of the petitioner. It is the duty of the county attorney to file petitions and conduct the case. Any friend of the child may appear in his behalf.

SECS. 6-7. (*Disposition of the child.*) If the child be found to be "dependent," he may be committed to the state home, or disposed of through adoption, guardianship, or otherwise, in his best interest.

SEC. 8. (*Guardianship of person. Adoption.*) If a dependent child be awarded to an association or individual, the child's person (but not his estate) shall come under guardianship; and the custodian may, with the court's consent, place him in a suitable family home, and may authorize his adoption.

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<sup>13</sup> Cf. L. 1909, ch. 158.

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(*Approval or inspection by state or court agents.*) Private organizations for dependent children must be approved by the state bureau of child and animal protection; and any association or individual receiving such children may be visited by [certain state commissions] or by any authorized representative of the court.

(*Religious faith.*) The court may provide such guardianship as conforms to the religious faith of the child's parents.

(*Final disposition of the case.*) The child may be permitted to remain at home subject to the court's jurisdiction, and to appropriate visitation. Should the court consider that it is no longer to the child's interest to remain with parent or guardian, it "may proceed to the final disposition of the case."

SECS. 9-11. (*Construction of act.*) This act shall be liberally construed: That proper guardianship may be provided so that the child may be educated and cared for as best subserves its moral and physical welfare; and that the parents or guardian may be made to do their moral and legal duty by the child.

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### DETENTION HOUSES

[L. 1907, ch. 170.]

SECTIONS 1-3. (*House of detention to be separate from jail.*) In each county, and city and county, of 100,000 inhabitants,<sup>14</sup> the county commissioners shall provide and maintain a house of detention separate and entirely removed from any common jail, to be conducted in connection with the juvenile court, for the care of any children under its jurisdiction, or detained or incarcerated for any purpose.

The necessary teachers, books, and appliances shall be supplied by the school boards.

The juvenile court judge shall appoint a superintendent, who shall report to county commissioners, or to judge, according to instructions.

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### THE DENVER JUVENILE COURT ACT

[L. 1907, ch. 149.<sup>15</sup>]

SECTION 1. (*Juvenile court.*) In each county, and in each municipality known as a city and county, of 100,000 inhabitants, there is hereby established a court of record, to be known as the juvenile court.

SEC. 2. (*Jurisdiction.*) These courts shall have original jurisdiction in all criminal or other proceedings in which the disposition, custody, or control of any minor or other person may be involved under the laws of Colorado concerning delinquent, dependent, or neglected children,<sup>16</sup> or which may concern the personal status, or the adoption or other disposition, of any minor, or the responsibility<sup>18</sup> therefor of any parent, guardian, or other person, or of any organization.

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<sup>14</sup> The city and county of Denver.

<sup>15</sup> Cf. L. 1909, ch. 158.

<sup>16</sup> Cf. L. 1909, ch. 157. (Relates to contributors to the dependency, neglect, or delinquency, of children.) See also L. 1909, ch. 158.

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### CONNECTICUT

SECS. 3-4. [Brief provisions as to process, notice, pleadings, practice, change of venue, etc.—Similarity to other courts of record—Terms of court.]

SECS. 5-8. (*Election of judge. Oath. Bond.*) At the next general election shall be elected a judge of the juvenile court, for four years, and until his successor is elected and qualified. He shall take the oath, and file an approved bond for \$10,000. He shall not practice law. His qualifications shall be the same as those of a district judge.

SECS. 9-10. (*Court officers. Analogy with officers of county court.*) A clerk and certain other officers], including such paid probation officers as are provided for counties of over 100,000, are hereby established. Their powers and duties shall correspond to county court officers in counties of the first class, except as otherwise provided herein.

(*Salaries.*) The judge shall appoint all court officers, and they shall hold office during his pleasure. He shall fix the salaries of clerk, deputies, and assistants, but the salaries shall not exceed [certain specified amounts].

SECS. 11-13. (*Supplies. Transfers.*) [Juvenile court supplies and accommodations—Transfers thereto of appropriate pending cases.]

SECS. 14-16. (*Jury. Appeals. Supreme court.*) In all actions in which a jury may be had, the procedure in summoning the same follows that of the county court. Appeals and writs of error shall be allowed by the supreme court as in county court cases; and the jurisdiction of the supreme court in matters touching the courts created hereby, shall be the same as in respect to the county courts.

SECS. 17-18. (*Supply judge. Prosecuting attorney.*) The juvenile court may be temporarily supplied by a county judge from any county; and the district attorney of the proper judicial district shall be its prosecuting attorney.

SECS. 19-21. (*Exclusive jurisdiction of juvenile courts hereunder, as against county courts. Proviso.*) Wherever a juvenile court is established under this act, its jurisdiction,<sup>17</sup> over and concerning minors, and persons and organizations as occupying certain relations to minors, shall supersede *pro tanto* that of the county court; provided, that nothing herein shall interfere with the jurisdiction of any county or other court in the disposition of a minor in a divorce case, or with his property rights in any court proceeding.

(*Concurrent with district court, in certain criminal cases.*) This act shall be liberally construed so that the court's jurisdiction, "as defined by section 2," shall be concurrent with that of the district court in any criminal case against a minor, or against an adult for any criminal offense against a minor's person or morals.

(*Repeal.*) All acts or parts of acts inconsistent with this act are hereby repealed.

### CONNECTICUT

The probation system in Connecticut (in the main applicable to adults and juveniles alike) was established by ch. 126 of 1903. The act provided that persons of either sex might be probation officers; and for compensation. It was amended and practically superseded by ch. 142 of 1905,<sup>1</sup> and in this act appears a provision for *unpaid* officers also.

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<sup>17</sup> See sec. 2, *supra*.

<sup>1</sup> See also L. 1907, chs. 1 and 172.

## A SUMMARY OF JUVENILE COURT LAWS

### DISTRICT OF COLUMBIA

It is understood that juvenile cases are heard in chambers,<sup>2</sup> in practice.

"An Act concerning Penalty [fine, or imprisonment, or both] for Causing Delinquency or Dependency of Children" was passed in 1907 (ch. 69). Sentence may be suspended during compliance with conditions.

### DELAWARE

[Probably no Juvenile Court legislation, through 1909.]

### DISTRICT OF COLUMBIA

(THE JUVENILE COURT ACT. 1906.)

[34 Stat. at L., p. 73.]

Enactment: Creating the juvenile court of the District of Columbia.<sup>1</sup>

SECTIONS 2-3. (*Judge. Term. Filling vacancy.*) The judge shall be appointed by the President, for six years, or until a successor is appointed and confirmed. In cases of the judge's sickness, absence, disability, expiration of term of service, or death, a justice of the District supreme court may designate a justice of the peace to serve as acting judge.

SECS. 4-7. (*Probation officers.*) The [juvenile] court may appoint two paid probation officers, one of each sex, to be severally designated as chief and assistant.<sup>2</sup>

(*Parole.*) The court may defer the sentence of any offender under 17, and parole him with the chief probation officer. The probation period shall rest with the officer; and at its termination he shall return the child for either sentence or dismissal.

SEC. 8. (*Jurisdiction. Age limit.*) The juvenile court shall have original and exclusive jurisdiction of all crimes and offenses (not capital or otherwise infamous, and not punishable by imprisonment in the penitentiary) committed by persons under 17 against the United States within the District of Columbia, except libel, conspiracy, and violation of post office and pension laws; also of all offenses against the laws and ordinances of the District by such persons,—who may be committed or held to bail in all cases, whether cognizable in said court or in the District supreme court.

(*Jurisdiction succeeded to. Concurrent jurisdiction. Nonsupport.*) The juvenile court shall have all the jurisdiction given the police court by a [certain] act approved February 13, 1885; and "original and exclusive jurisdiction" (a) of all cases of the punishment of children under a [certain] act of 1892 (27 Stat. at L., 268) and its amendments; and (b) of all cases under a [certain] juvenile delinquents act of 1901 (31 Stat. at L., 1095<sup>3</sup>),—dealing concurrently, but with broader powers, with the criminal court under the last named act with any parent or guardian refusing or neglecting to provide for a child under 14.<sup>4</sup>

(*Habitual truancy. Commitments.*) The juvenile court may also try all per-

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<sup>2</sup> And see L. 1909, ch. 212.

<sup>1</sup>For certain legislation in 1909 relating to this court see U. S., 35 Stat. at L., pp. 624, 1063.

<sup>2</sup> For appropriations in 1908 and 1909 for a chief probation officer and two probation officers, see U. S., 35 Stat. at L., pp. 300, 715.

<sup>3</sup> Briefly referred to, *infra*.

<sup>4</sup> Cf. 34 Stat. at L., 86. See *Moss v. United States*, 29 App. D. C.; 188.

## JUVENILE COURT LAWS SUMMARIZED

### DISTRICT OF COLUMBIA

sons under 17 charged with habitual truancy, and commit them to the board of children's guardians. No one under 17 shall be placed in any institution dependent on the public until delinquency or dependency has been found and declared by said court. All appropriate cases shall continue to be respectively committed to the boys' or the girls' reform school; all other children, delinquent, neglected, or dependent " (with the exceptions hereinbefore stated)," —to the board of children's guardians, on probation or during minority. No child committed to a public institution by the juvenile court shall without its consent be discharged, paroled, or transferred therefrom.<sup>5</sup>

SEC. 9. (*Dependent or neglected child. Delinquent child.*) A "dependent" or "neglected" child means any who is destitute, homeless, abandoned, or a public charge, or who lacks parental care, or habitually begs or receives alms, or whose home, through fault of the parents, is unfit; and any child under 8 found peddling on the streets. A "delinquent" child means any convicted more than once of violating a law of the United States, or a law, ordinance, or regulation in force in the District of Columbia.

SECS. 10-11. (*Unlawful removal of child, a misdemeanor.*) An unlawful removal of any child committed by the juvenile court shall be punished in the police court (if the offender be over 17) by fine not exceeding \$50 or imprisonment for not more than three months; or in the juvenile court (if the offender be under 17) by a like fine, or by imprisonment (but not in jail or workhouse) for such reasonable period as the court shall direct.

SEC. 12. (*Prosecutions. Jury trial. Penalties.*) Prosecutions shall be on information by the corporation counsel. There shall be a jury trial, unless expressly waived, whenever according to the Constitution the accused would be entitled thereto; also, when demanded, in cases where the fine or penalty may be \$50 or more, or imprisonment as punishment may be thirty days or more. Otherwise the trial shall be by the court without jury.

In default of payment of a fine, a defendant may be committed, for not more than one year.

SEC. 13. (*Riots.*) In cases of riot [etc.], where a number of persons charged jointly include one or more under 17, the trial need not be held in the juvenile court, but shall be conducted as heretofore.

SECS. 14-15. (*Jury.*) [Of the jury and its terms, and the panel; of qualifications for jurors, and their period of service.]

SEC. 16. (*Judgments.*) Juvenile court judgments shall be final, save as hereinafter provided.

SEC. 17. (*Powers of court. Bail. Fines. Embezzlement.*) The court can issue process for arrest, and compel the attendance of witnesses. It can punish contempt by fine and imprisonment not exceeding, respectively, \$20 and forty-eight hours, or by either; and can enforce any of its judgments by fine or imprisonment, or both. *Here follow provisions as to bail, forfeiture, fines, and embezzlement through conversion of bail or fines.]*

SECS. 18-21. (*Oaths, etc.*) [Oaths, terms of court, disposition of fines, auditing of clerk's accounts, etc.]

SEC. 22. (*Appeals, etc.*) Appeals shall be heard in the court of appeals of the District. [*Here follow provisions as to exceptions, writ of error, recognizance, and stay of execution.]*

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<sup>5</sup> But see 35 Stat. at L., 657. (Ch. 217, appr. Feb. 26, 1909.)

## A SUMMARY OF JUVENILE COURT LAWS

### GEORGIA

SEC. 23. (*Deputy marshal.*) A deputy of the District of Columbia marshal shall serve at the juvenile court.

SEC. 24. (*Contributing to juvenile delinquency. Penalty.*) The parent, custodian, or other person responsible for, or by any act encouraging or contributing to, a child's delinquency as defined in section 9, shall be guilty of a misdemeanor punishable, in the juvenile court, by fine not exceeding \$200 or imprisonment not exceeding three months, or both.

SEC. 25. [Date of effect of act. Repeal.]

SEC. 26. (*Expenses.*) The expenses hereunder shall be shared by the District of Columbia and the United States.

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*An act to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes. (1901.)*

[31 Stat. at L., p. 1095.]

(*Commitment.*) This act authorized the judges of the District of Columbia criminal and police courts to commit to the board of children's guardians children under 17 convicted of petty crimes and misdemeanors punishable by fine or imprisonment, the children to be suitably placed out in the discretion of the board. Jail commitments are prohibited.

(*Probation officer.*) The board is directed to designate one of its employes as probation officer.<sup>6</sup>

(*Penalties.*) The act contains nonsupport provisions, penalizing parents, and also (but less frequently) guardians. (Cf. the act of 1906, sec. 8, ¶ 2, *supra*.)

### FLORIDA

By<sup>1</sup> section 9 of chapter 5388 (1905), it is provided that a circuit court or county judge may commit any person in his jurisdiction, over 10 and under 18, to the Florida state reform school, at Mariana, on complaint as prescribed, with due proof, made in the child's presence, of the latter's incorrigible and vicious conduct. (Cf. *Pugh v. Bowden*, 54 Florida, 302.)

Section 6 provides for placement on probation of the school's inmates.

### GEORGIA

In 1904 (April 5) provision was made in Atlanta by city ordinance that the recorder should hold separate sessions for juvenile delinquents; and for the appointment of a juvenile probation officer.

A legislative enactment, for the state, providing "for the establishment of children's courts as branches of the superior courts," dealing with delinquent or wayward children under 16, was passed in 1908. (L. 1908, p. 1107.)

(*Children's court. Jurisdiction.*) By the concurrent recommendation of the two successive grand juries at different terms of court may be established under this

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<sup>6</sup> More than one probation officer in 1908.

<sup>1</sup> This paragraph is included not as strictly germane to the subject of juvenile or quasi-juvenile courts, but as of collateral interest.

## JUVENILE COURT LAWS SUMMARIZED

### HAWAII

act, in any county, a children's court, to have jurisdiction within the county. The presiding officer of the court shall have complete, original, and exclusive jurisdiction to deal with every aspect of the case concerning the child, including that involving parent or other person. The court shall have all the jurisdiction, etc., vested in the superior courts or judges, for enforcing this act, and jurisdiction over such other matters as may come before it hereunder.

(*Jury trial. Detention.*) There is a provision for trial by jury in certain cases. The county, upon request of the judge, shall provide a proper detention room or house, separate from the jail.

(*Criminal proceedings. Disposition in certain cases.*) A child over 10, found to be delinquent or wayward, may be committed to take his trial according to law. If he be convicted of an offense not punishable by death or life imprisonment, he may be released on probation, or committed to an institution or individual, or sentenced to the Georgia state reformatory, or otherwise, according to law. (And at the expiration of sentence he may be sent to the reformatory.)

(*Penalties. Paid probation officers.*) Certain penalties are provided for, and there are provisions for paid probation officers.

### HAWAII

Any judge of any circuit court of this territory, on complaint "against any parent, that he or she is encouraging their children in ignorance and vice," may "summon such parents before him;" and, upon proof to his satisfaction, may "bind out such child, within the years of his legal majority, to some person of good moral character," etc. [This provision dates back to 1864; and the judicial procedure, against parents, provided for therein, seems an early forerunner, emanating from islands in the midst of the Pacific, of the modern penal procedure, of comparatively recent date, directed against contributors to juvenile delinquency.]—Revised Laws of Hawaii, 1905. Sec. 2290.

L. 1905, Act 28,—“AN ACT Regulating the Trial and Probation of Juvenile Delinquents.”

L. 1909, Act 22,—“AN ACT to Define and Regulate the Treatment and Control of Dependent and Delinquent Children.” [Includes a provision that “The circuit judges sitting in chambers shall have original jurisdiction in all cases under this act and the court held by any such judge under this act shall be termed the Juvenile Court; provided,”etc.]

### IDAHO

*An act<sup>1</sup> to provide for the care of delinquent children.*

[L. 1905, p. 106, as amended by L. 1907, p. 231.<sup>2</sup>]

SECTION 1.<sup>3</sup> [Age limit. Definition of “delinquent child.” See Colorado, L. 1903, ch. 85, sec. 1, *supra*.]<sup>3</sup>

<sup>1</sup> Affected by an act in 1909 relating to “orphan, homeless, abused or neglected children,” also to minors under 18 convicted of a “charge, the punishment for which may be imprisonment or confinement in the industrial school”. (L. 1909, p. 38.)

<sup>2</sup> The act of 1907 also provides (sec. 3) that all cases of truancy, delinquency, and incorrigibility, arising in the respective school districts, shall be duly reported to the probate court.

<sup>3</sup> Subsequently amended. (L. Idaho, 1909, p. 272.)

## A SUMMARY OF JUVENILE COURT LAWS

### IDAHO

SEC. 2. (*Jurisdiction of probate courts. Annual report.*) The probate courts of the several counties shall have jurisdiction. The court shall report in writing yearly to the governor, but without disclosing name or identity of child or parent.

SEC. 3. (*Procedure.*) All proceedings shall be by information or complaint to be filed by the county attorney.

SEC. 4. (*Detention.*) [See Colorado, *ibid.*, sec. 6, through the words "may be executed."] No child under 14 shall be incarcerated in any common jail, cell, or lockup, but a suitable room in the county building or courthouse must be provided.

(*Bonds for appearance.*) A child may give bonds for his appearance at the trial; and counsel may be appointed for him, serving without compensation from county or state.

SEC. 5.<sup>4</sup> (*Transfers to probate court.*) An arrested child under 17, except when charged with felony, shall be taken directly before the probate court; or, if taken before a justice of the peace, or police magistrate, shall be transferred thereto. The court may proceed as if the case had begun by information.<sup>4</sup>

SEC. 6.<sup>5</sup> [*Disposition of delinquent child.*] Section similar to Ohio, section 9 of the act of 1902, *infra*. For "probation officer" read *sheriff*; for "minority," twenty-one; for "dependent," *delinquent*. A commitment to any individual or organization (other than an institution existing under Idaho authority and laws) must not be at state expense, and a proper bond in favor of the child may be required.]

SEC. 7. (*Supervision by governor, of child-helping organizations.*) All organizations, other than state institutions, receiving children hereunder shall be passed upon annually by the governor, who, if satisfied of an organization's qualifications, shall issue a certificate to that effect, valid, unless revoked, for one year.

SEC. 8. (*Contributors to juvenile delinquency. Penalty.*) (As amended in 1907.)<sup>6</sup> Whoever is responsible for, or contributes to, a child's delinquency shall be guilty of a misdemeanor, punishable by fine of not more than \$300, or imprisonment for not more than six months, or by both. Sentence may be suspended during compliance with conditions imposed.

SEC. 9.<sup>7</sup> [*Provisions for schooling of children—Provisos—Applications for exemption—Appeals from superintendent to probate court, whose decision shall be final.*]

SECS. 10-11.<sup>8</sup> (*Juvenile disorderly persons.*) Children complained of, and determined by the probate court to be juvenile disorderly persons,<sup>9</sup> shall be duly committed. Cases may be paroled, and commitment orders suspended.

SEC. 12. (*Probation officers. Duties. Powers.*) (As amended in 1907.) The several probate courts may appoint probation officers, to act only under direction of the court, and to be paid for services actually performed. [As to duties of officers,

<sup>4</sup> Subsequently amended. (L. 1909, pp. 272, 273.)

<sup>5</sup> This section appears to have been subsequently affected by L. 1909, p. 38. (See especially s. 6, on pp. 41 and 42.)

<sup>6</sup> Subsequently amended. (L. 1909, pp. 272, 273.)

<sup>7</sup> Subsequently amended. (L. 1909, p. 224.)

<sup>8</sup> Sec. 11 appears to have been subsequently affected by L. 1909, p. 38. (See especially s. 6 thereof, on pp. 41 and 42.)

<sup>9</sup> Incorrigibles, habitual truants, etc. See the statute (sections 9, 10) for definition in detail.

## JUVENILE COURT LAWS SUMMARIZED

### ILLINOIS

see Illinois juvenile court law, sec. 6, *infra.*] They are vested with all power of sheriffs [and others] to make arrests and perform other duties.

SEC. 13. (*Review.*) Probate court final judgments hereunder may be reviewed upon questions of law only.

### ILLINOIS

The first law in the United States providing for a court designated in statutory terms as the "juvenile court" was enacted in Illinois. (L. 1899, p. 131, approved April 21st.)

This law, as amended and added to in 1901 (p. 141), 1905 (p. 152), 1907 (p. 69), and 1907 (p. 70), represents the greater part of the Illinois juvenile court legislation through 1907; and is [or was] known as the "Illinois juvenile court law in force July 1st, 1907."<sup>1</sup>

The Illinois law penalizing the responsibility of another for a child's dependency or delinquency dates from 1905.

The detention-homes law was passed in 1907.

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### THE ILLINOIS JUVENILE COURT LAW,<sup>2</sup> IN FORCE JULY 1, 1907<sup>3</sup>

*An act relating to children who are now or may hereafter become dependent, neglected, or delinquent, to define these terms, and to provide for the treatment, control, maintenance, adoption, and guardianship of the person of such children.*

SECTION 1. (*Definitions.*) All persons under 21 shall, for the purpose of this act only, be considered wards of the state. "Dependent child" and "neglected child" shall mean any boy who, while under 17, or any girl who, while under 18, is homeless; or a public charge; or lacks parental care; or habitually begs; or lives with any vicious or disreputable person; or whose home, through fault of parent or other custodian, is unfit; and any child who, while under 10, is found begging or peddling, or furnishing any music for gain upon the street, or taking part in public entertainments.

"Delinquent child" shall mean any boy who, while under 17, or girl who, while under 18, violates any state law, or is incorrigible, or chooses evil associates; or is a runaway, or is growing up in idleness or crime; or frequents a house of ill repute,

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<sup>1</sup> See *Origin of the Illinois Juvenile Court Law*. Compiled by T. D. Hurley. 3rd ed. Chicago, The Visitation and Aid Society, 1907. (At p. [117].)

This law has been subsequently affected. (In 1909.) See notes 2, 3, *infra.*

<sup>2</sup> This legislation has been affected by the Board of Administration law (L. 1909, pp. 102-123),—"AN ACT TO revise the laws relating to charities and making an appropriation to carry out the provisions thereof." The sections, of said legislation, especially affected are ss. 13, 14, 16, 18, 20. The sections, of the 1909 law, of especial relevance in this connection, are ss. 4 and 30. Also, of some relevance, are ss. 1, 2, 5, 6, 7 (?) 33, 38.

<sup>3</sup> The following list shows the dates of the latest enactments affecting the respective sections of this legislation:

1899, sections 2, 3, 11, 12, 17, 19, 21.

1905, section 10.

1907, title, sections 1, 4-9 (including 9a-9e), 15, 22-26.

1909, sections 13, 14, 16, 18, 20.

## A SUMMARY OF JUVENILE COURT LAWS

### ILLINOIS

gaming place, or dram shop; or idly roams the streets at night; or habitually trespasses upon railroad property; or is guilty of public profanity, or of indecency.

(*Limitation of evidence.*) No disposition of a child under this act, or evidence in the cause, shall in any [other?] court proceeding be evidence against the child save in later cases against him hereunder.

SEC. 2. (*Jurisdiction.*) The circuit and county courts of the several counties shall have original jurisdiction. In all trials any person interested may demand, or the judge may order, a jury of six.

SEC. 3. (*Juvenile court.*) In counties of over 500,000,<sup>4</sup> the circuit court judges shall designate one or more of their number to hear all cases. A juvenile court room shall be specially provided, and a separate record kept. The court "may for convenience be called the 'juvenile court.'"

SEC. 4. (*Petition.*) A resident of the county may represent that a certain child therein, not an inmate of a state institution incorporated under Illinois laws, "except as provided in sections 12 and 18," is either dependent, neglected, or delinquent, and should be placed with some appointee of the court, and that the custodian is unfit, or is unable or unwilling to care for the child, or consents to the separation. The petition shall also set forth either the name and residence (or that they are unknown) of one of certain parties in interest [the order of precedence is stated].

All persons thus named shall be notified (as defendants) by summons, if of Illinois, save only as herein provided.

SEC. 5. (*Summons.*) The summons requiring all defendants to appear shall be returnable at any time within twenty days after date, and may be served by the sheriff, or by a probation officer, even though "such officer" be the petitioner.

Defendants [under certain circumstances] shall be notified by newspaper publication.

(*Publication. Answer.*) The clerk shall also, within ten days after such publication, mail a copy to defendants not summoned, whose residence is stated. In default of answer, petition may be taken as confessed.

(*Warrant.*) If the custodian shall fail without cause to bring the child into court, he may be proceeded against as in contempt. Whenever it shall appear by affidavit that a summons will not secure the child's presence, a warrant may issue either against the parent or other person having the custody of the child or against the child himself.

(*Hearing.*) If necessary, the court may appoint some suitable person to act on the child's behalf. Pending final disposition of the case, the child may remain with his custodian or at home under a probation officer, or may be otherwise suitably detained.

SEC. 6. (*Probation officers.*) The court may appoint probation officers, unpaid. The officer shall be notified, if practicable, in advance of each case. He shall investigate cases and assist the judge, as required; be in court to represent the child at the trial, and take charge of him before and after: *Provided*, That in counties of over 500,000 the circuit court judges shall determine "a" number of paid probation officers, including a chief, while in the other counties the county judge may designate a paid probation officer. A county board "of any such counties" may, upon recommendation of the county judge, provide for additional paid officers, who, if authorized,

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<sup>4</sup> Cook County, which includes Chicago.

"as aforesaid," shall be appointed by said judge. But nothing herein shall limit the power of the judges designated under section 3 to hear cases coming under "this act," to appoint unpaid officers.

**SEC. 7.** (*Dependent and neglected children.*) Any dependent or neglected boy under 17 or girl under 18 may be allowed to remain at home on probation. And if the custodian consent, or be found unfit, or unable, or unwilling to care for the child, a guardian may be appointed for the person of the latter and ordered suitably to place him out or the case may be committed to some appropriate institution or association.

**SECS. 8-9.** (*Delinquent children.*) [The proceedings upon a finding of delinquency are similar to those following a finding of dependency or neglect (section 7).] The child shall report to the probation officer as often as required. The court may [under certain circumstances, as in section 7] appoint some probation officer or other appropriate individual guardian of the person of the child, and permit the latter to remain at home, or place him in some suitable family home; or he may be committed to some training or industrial school, or to any Illinois institution, private or public, for delinquent children, or to some appropriate association.

(*Guardianship.*) Where a dependent, neglected, or delinquent, child, is thus committed to an organization, an executive officer thereof shall be made guardian, and shall be ordered to hold and care for the child.

**SEC. 9a.** (*Criminal proceedings.*) The court *may* permit a delinquent child to be dealt with under the criminal laws or municipal ordinances.

**SEC. 9b.** (*Hospital treatment.*) The court may send a dependent, neglected, or delinquent child to a public hospital for special care, or to a private hospital, without charge to the public authorities.

**SEC. 9c.** (*Award. Order of court.*) Whenever a dependent, neglected, or delinquent child is awarded to a guardian, institution, or association, such custodian shall receive a certified copy of the court's order (of record); the guardianship to continue until the further order of the court, but not after the child becomes 21. The child, or a person interested, may apply for the appointment of a new custodian, or for restoration to the parents, or for the discharge of the custodian "so appointed."

**SEC. 9d.** (*When child may remain at, or return, home.*) Whenever the child can remain at home, or be sent home, consistently with the public good and his own, the court may order accordingly; but unless the custodian consents to the order, such order shall not be entered without first giving him ten days' notice.

**SEC. 9e.** (*Removal of guardian, or transfer or restoration of child.*) Custodian may be cited to report fully as to conduct of child's interests; and should duly report within ten days; and court may remove guardian and appoint another, or transfer child from one institution to another, or restore him to parents or [etc.].

**SEC. 10.** (*Transfers from justices and police magistrates.*) A boy under 17, or girl under 18, arrested in any county where a court is held as provided in section 3, may be taken directly before such court; or if taken before a justice or police magistrate, he shall transfer the matter to said court. In any case the court may proceed to dispose of it as if the child had been brought in on petition, and shall require due notice and investigation.

**SEC. 11.** (*Children under 12 years not to be committed to jail.*) Children under 12 in custody and unable to give bail shall be suitably detained outside of any jail or

## A SUMMARY OF JUVENILE COURT LAWS

### ILLINOIS

police station inclosure. No child sentenced to an institution containing adult convicts shall be confined in the same building, yard, or inclosure with them.

SEC. 12. (*Agents of state reformatory at Pontiac, etc.*) Each institution for juvenile delinquents shall maintain an agent to supervise children paroled therefrom and investigate their homes, and to assist children paroled or discharged in finding employment.

SEC. 13.<sup>5</sup> (*Supervision by state commissioners of public charities.*) All associations receiving children under this act shall be subject to supervision by the board of state commissioners of public charities. When satisfied of an association's competency, the board shall issue a certificate valid for one year, unless sooner revoked. (No commitment where no certificate within "fifteen" months.) Associations may be required to report to court, which need never commit where standing is not satisfactory.

SEC. 14.<sup>6</sup> (*Incorporation of association.*) No child-helping association shall receive a certificate of incorporation from the secretary of state unless there shall first be filed with him the commendatory certificate of said board of charities.

SEC. 15. (*Order relating to adoption.*) The guardian may be empowered to consent to the child's legal adoption. Upon such consent the court of the adoption proceedings may enter an order of adoption without "further" notice to, or consent by, parents or relatives, if before such order it shall make [certain] findings<sup>8</sup> of consent or unfitness.

SEC. 16. (*Guaranty by foreign corporations.*) No foreign corporation shall place a child in any family home in Illinois, unless it shall have guaranteed the board of charities<sup>7</sup> that it will bring into Illinois no child having any contagious or incurable disease, or who is deformed, feeble-minded, or vicious; and that it will promptly remove from Illinois any child brought there by it which shall become a public charge within five years thereafter.

SEC. 17. (*Religious preference.*) A child shall be committed, when practicable, to a custodian of religious belief similar to that of the child's parents.

SEC. 18. (*County boards of visitors.*) The county judge of each county may appoint a board of six unpaid visitors, to visit as often as once a year all institutions and associations receiving children under this act. The board shall report to the court, and annually to the state commissioners of public charities.<sup>9</sup>

SEC. 19. (*When circuit courts may exercise jurisdiction of juvenile court.*) The powers and duties herein provided to be exercised by the county courts may, in counties of over 500,000, be exercised by the circuit courts as hereinbefore provided.

SEC. 20. [Acts relating to industrial and training schools and other institutions, not affected by this act.]<sup>8</sup>

SEC. 21. (*Construction of the act.*) This act shall be liberally construed to carry out its purpose: That the care, custody, and discipline of a child shall approximate that which should be given by his parents, and in all cases where it can properly be done the child shall be placed in an approved family home and become a member of the family by legal adoption or otherwise.

<sup>5</sup> Superseded (in part) by L. 1909, p. 102, noted *supra*. (See especially secs. 4, and 30, thereof.)

<sup>6</sup> For specifications of these findings, see L. 1907, p. 70, sec. 15.

<sup>7</sup> But see L. 1909, p. 102, noted *supra*. (See especially sec. 30 thereof.)

<sup>8</sup> See L. 1909, p. 102, noted *supra*. (See especially secs. 2 and 6 thereof.)

## JUVENILE COURT LAWS SUMMARIZED

### ILLINOIS

SEC. 22. (*Support orders.*) If the parents, or any persons liable for the child's support, are able to contribute thereto, the court shall order them to pay a reasonable sum for the child's support or education, and to give reasonable security for such payment.

SEC. 23. Assignments of wages or commissions may be decreed, and places of employment and amounts of earnings may be ordered disclosed.

SEC. 24. (*Guardianship of person.*) Nothing herein shall give the guardian hereunder the guardianship of the child's estate, or change the age of minority except as to the custody of the person.

SEC. 25. (*Validity of act.*) The invalidity of any portion hereof shall not affect the validity of any portion that is independent of the invalid part.

SEC. 26. Cases hereunder may be reviewed by writ of error.

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#### RESPONSIBILITY OF ANOTHER FOR A CHILD'S STATUS

*An act providing for the punishment of persons responsible for, or contributing to, a child's dependency, neglect, or delinquency.*

[L. 1905, p. 189.]

SECTION 1. (*Penalty.*) In the case of a dependent, neglected, or delinquent child, any parent or other custodian or person who shall wilfully cause, encourage, or directly contribute to such status, and any custodian who shall wilfully neglect to prevent, or to put an end to it, shall be guilty of a misdemeanor, punishable by fine of not more than \$200 or imprisonment for not more than twelve months, or by both.

(*Suspension of sentence. Discharge.*) The court may suspend sentence and release the defendant on probation, for one year, upon due recognizance. For violation of the terms of probation he may be sentenced under the original conviction. Unless so sentenced he shall, at the end of the year, be discharged.

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#### CHILDREN'S DETENTION HOMES

*An act relating to temporary custody of dependent, delinquent, or truant children.*

[L. 1907, p. 59.]

SECTION 1. (*County detention home.*) Any county may establish and maintain a detention home for dependent, delinquent, or truant children: *Provided*, This act be adopted by the voters of such county.

SECS. 2-3. (*Superintendent and matron.*) So far as practicable, the inmates shall be cared for as in a family home and public school. Either the superintendent or the matron shall be competent to instruct through the eighth grade. Appointments shall be made by the county judge, the county board to approve same and fix the salaries.

SEC. 4. (*Their duties. Annual report.*) All children committed to the home by the court shall be detained until its further order, and complete record of "children

## A SUMMARY OF JUVENILE COURT LAWS

### INDIANA

committed thereto" shall be kept. The superintendent shall make an annual report to the county board, filing a copy with the county clerk, and shall furnish proper information, as called for, to said board, or to the county judge.

SECS. 5-7. [Provisions for a detention-home county tax, if act be adopted—Method of adoption—Abandonment and repeal.]

SEC. 8. (*Juvenile court.*) Any court acting under the juvenile court law of 1899, or any amendments thereto, may commit children to said home temporarily.

### INDIANA

The juvenile court and probation system of Indiana dates from 1903; the act of causing or contributing to a child's delinquency was made a penal offense in 1905; and the penalizing of the act of contributing to a child's condition of neglect or dependency followed in 1907.

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#### JUVENILE COURTS AND PROBATION—JUVENILE OFFENDERS—ASSOCIATIONS AND INDIVIDUALS RECEIVING CHILDREN UNDER THIS ACT

[L. 1903, ch. 237, amended in 1905, as amended by ch. 203 of 1907.]

SECTION 1. (*Juvenile court.*) In each county<sup>1</sup> containing a city of 100,000 inhabitants there shall be a juvenile court, having jurisdiction (except in probate matters) in all cases relating to children, including juvenile delinquents, truants,<sup>2</sup> and all cases involving the custody or legal punishment of children. To be eligible as judge the candidate shall be a citizen and legal voter of Indiana, not less than 40, and a parent. He shall be chosen at the general state election for four years.

In counties not having a city of 100,000, the circuit court judge shall be the juvenile judge.

SEC. 2. (*Probation officers.*) In every county of a population of 50,000,<sup>3</sup> the circuit or juvenile judge, as the case may be, shall appoint not more than two paid probation officers, of either sex; but may appoint others, unpaid. In counties of less than 50,000, one paid officer, and others unpaid, may be appointed.

SEC. 3. (*Transfers to juvenile court.*) In case of a complaint against a boy under 16, or girl under 17, for any offense not punishable by death or imprisonment for life, the court or magistrate shall at once notify the probation officer and transmit all papers to the juvenile court, certifying to the latter's jurisdiction of the cause.

(*Duties of probation officers.*) The officer shall investigate the circumstances of the alleged offense, and the surroundings of the child, his age, habits, and record, and may note, too, the habits and character of parents or guardian, and shall report to the juvenile court.

Complaints may be filed in the juvenile court, also. They call for similar action by the officer; and the court should proceed as in other cases.

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<sup>1</sup> Marion County, which contains Indianapolis.

<sup>2</sup> No child need be tried in the juvenile court on a truancy charge unless he lives in a city of 100,000 population.

As to parents or other custodians of truants, see L. 1909, ch. 142.

<sup>3</sup> Allen, Grant, Madison, Marion, St. Joseph, Vanderburg, Vigo.

## JUVENILE COURT LAWS SUMMARIZED

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(*Commitment or other disposition of cases.*) If, upon a trial, the child appears to be guilty, the court, withholding judgment, may order his return to parents or other custodian; or it may commit him to a volunteer probation officer; or may have him placed until 21 or for any less period with some suitable family, recommended by court probation officer, or in home for county's "dependent" children; or may send him to some appropriate paid institution in the state, approved by board of state charities; or may impose a fine with costs; or may, for good cause shown, suspend judgment in any case; or, if offense be malicious trespass, may require damage to be made good, or if petty larceny, without restitution, may require defendant to pay for property. Whenever a child (as to his person) has been decreed to be a ward of the court,<sup>4</sup> the latter's authority shall continue until it "shall otherwise decree."

(*Order of support.*) The court may order the parent or guardian<sup>5</sup> to show cause why he should not pay for the support of a child committed to any institution not a state establishment. Collections on a judgment on the order shall be remitted to, and credited by, the custodial institution.

(*Commitment.*) A child found guilty of the offense charged, or appearing to be wilfully wayward and unmanageable, may be committed to any appropriate state, penal, or reformatory institution. A woman shall always be sent as escort with girls committed.<sup>6</sup>

(*Confinement with adults prohibited.*) No child sentenced to an institution to which adult convicts are sentenced shall be confined in the same building or inclosure with them.

(*Trial.*) In all cases a child shall be tried by a jury of twelve, if he so elect; and if unable to give bond, and not released on his own recognizance, he shall have a speedy trial.

SECS. 4-6. (*Exclusion of public from court room.*) Trials shall be held in chambers, or in the juvenile court room; "or the judge may hear the cause in vacation." Unnecessary persons may be excluded. The probation officer shall be present in the child's interest.

(*Probation officers to visit their charges.*) The probation officer shall report to the court and the board of state charities the disposition of his charges. Unless excused by the court, he shall visit them twice a year at least, reporting upon each visit both to the court and the board.

SEC. 7. (*Detention pending trial.*) No child under 14 shall be sent to any jail, police station, or lockup, but in default of bail may be placed with the sheriff, police matron, or probation officer, who shall detain him suitably, as arranged for by the county, pending the final disposition of the case.

In preliminary proceedings the child shall not appear in person, but shall be represented by the probation officer.

When a board of children's guardians makes complaint as to a neglected or ill-

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<sup>4</sup> For a reference to "the necessity of making any child a public ward by the juvenile court," etc., see L. 1909, ch. 154, sec. 10.

<sup>5</sup> Cf. L. 1901, ch. 173 (the act establishing county boards of children's guardians), sec. 4.

<sup>6</sup> For a recent act concerning "commitments to the Indiana girls' school," etc., see L. 1909, ch. 171.

## A SUMMARY OF JUVENILE COURT LAWS

### INDIANA

treated child, the circuit judge may place him, pending final hearing, in the care of the probation or truant officer.

SECS. 8, 9. (*State supervision of institutions and individuals receiving children hereunder.*) All associations and individuals receiving children under this act shall be subject to visitation and supervision by the board of state charities. When satisfied of the fitness thereof, the board shall issue a certificate, valid for one year unless sooner revoked; and no child shall be committed to any association or individual not having received such certificate within "fifteen months" next preceding the proposed commitment. The court may at any time require therefrom, by report or otherwise, needed information.

(*Incorporation of child-helping associations.*) The secretary of state shall issue no certificate of incorporation of a child-helping association, unless there shall first be filed with him the certificate of the board of state charities indorsing the project.

SECS. 10-12. (*Construction of act.*) This act shall be liberally construed: That the care, custody, and discipline of the child may approximate that which should be given by his parents; and whenever practicable, the child is to be placed in an approved family home and become one of the family by legal adoption or otherwise.

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### JUVENILE DELINQUENCY; PUNISHMENT PROVIDED FOR THOSE CONTRIBUTING THERETO, ETC.

[L. 1905, ch. 145, as amended by ch. 169 of 1907.]

SECTION 1. (*Delinquent child.*) "Delinquent child" shall include any boy under 16, or girl under 17, who violates any state law or city ordinance; or is incorrigible or immoral; or knowingly associates with thieves or other vicious or immoral persons; or is growing up in idleness or crime; or knowingly visits gambling places; or patronizes liquor saloons; or idly roams the streets at night; or trespasses upon railroad property; or uses bad language; or smokes cigarettes; or loiters about school property.

SEC. 2. (*Contributing to juvenile delinquency. Misdemeanor. Appeals. Change of venue. Felony.*) Any person who shall cause or encourage a boy under 16, or girl under 17, to commit any act of juvenile delinquency as defined; or shall knowingly send any such child to, or permit him to enter,<sup>7</sup> or remain in, any house of prostitution, or liquor saloon, or gambling place; or shall knowingly contribute to any vicious or immoral conduct on his part, shall be guilty of a misdemeanor, triable in the juvenile court, and punishable by fine or imprisonment, or both: *Provided*, That trials shall be conducted by the prosecuting attorney; that the defendant may appeal to the appellate court; and that an accused person may have a change of venue upon affidavit, and thereupon shall be tried before a special judge or in the criminal court. And if, in any juvenile court proceeding, it shall appear that a person is probably guilty of a felony that caused or contributed to a child's delinquency, the judge may bind such person over to the criminal court, or the circuit court, of the county.

SEC. 3. (*Penalty.*) If convicted under the previous section, the offender shall be punished by a fine of not more than \$500, or by imprisonment for not more than six months, or by both.

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<sup>7</sup> Cf. L. 1907, ch. 75.

## JUVENILE COURT LAWS SUMMARIZED

### INDIANA

(*Suspension of sentence.*) The court may suspend sentence provisionally, but not for more than two years; and if there has been a faithful compliance with the conditions imposed, it may suspend the judgment and sentence absolutely. The court may at any time revoke provisional suspension and stay of execution.

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#### DEPENDENT AND NEGLECTED CHILDREN—DEFINITION—DISPOSITION—ONE CONTRIBUTING TO A CHILD'S NEGLECT, OR RESPONSIBLE, THROUGH WILFUL NEGLECT OF DUTY, FOR A CHILD'S NEGLECT, OR DEPENDENCY, GUILTY OF A PENAL OFFENSE

[L. 1907, ch. 41.]

SECTION 1. (*Dependent child.*) "Dependent child," in any statute concerning the care, custody, or control of children, shall mean any boy under 16, or girl under 17, who is a public charge, or destitute, homeless, or abandoned.

SEC. 2. (*Neglected child.*) "Neglected child," in any such statute, shall mean any boy under 16, or girl under 17, who lacks proper parental care or guardianship; or who habitually begs or receives alms; or lives with vicious or disreputable persons; or is employed in a saloon; or whose environment warrants the state, in his interest, in assuming guardianship.

SEC. 3. (*Juvenile court. Placement of public wards.*) The juvenile court judge shall hear all cases concerning dependent or neglected children; and if it is best for such a child, the judge shall make him a ward<sup>8</sup> of the juvenile court, or of the county commissioners, or of the board of children's guardians; and shall order him placed either in a family home, or in some appropriate children's institution, subject, however, to subsequent placement in a family. No child hereafter shall receive county support in such institution unless he shall have been so made a public ward; and all such wards shall be available for placement by the board of state charities. Their status as public wards shall continue until they become 21, unless they be returned to parents or guardians, or legally adopted.

SEC. 4. (*Contributory neglect. Penalty. Release on probation. Revocation of suspension.*) A parent, custodian, or other person who contributes to, or through wilful neglect of duty is responsible for, a child's condition of neglect or dependency, shall be deemed guilty of a misdemeanor, and, on conviction in any juvenile court, shall be fined not more than \$500, and also may be imprisoned for not more than six months. The court may suspend judgment and release the defendant on probation for not more than two years from conviction. Within this period the suspension may be revoked, and judgment on the conviction rendered.

SECS. 5-6. (*Construction of act.*) This act shall be liberally construed: That children may be educated and cared for as best subserves their moral, intellectual, and physical welfare; and that parents or other custodians may be compelled to do their duty thereby.

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<sup>8</sup> See note 4, *supra*.

## A SUMMARY OF JUVENILE COURT LAWS

### IOWA

#### APPEALS

Chapter 136 of 1907 provides that an appeal shall lie from the juvenile court to the appellate court; and that such appeals shall have preference over all other cases.

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#### SCHOOL TO BE NOTIFIED

For the duty of the juvenile court, immediately upon the placing of a dependent child in a custodial institution, to so notify the school corporation from which the child came,—see ch. 186 of 1907.

### IOWA

The juvenile court and probation system of Iowa was established by ch. 11 of 1904. The law was added to and amended by ch. 7 of 1907.

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#### [SUPPLEMENT (1907) TO THE CODE (1897).

Title III. Ch. 5-B.<sup>1</sup>]

*"Of juvenile courts, detention homes, and schools."*

SECTION 254-a13.<sup>2</sup> (*Jurisdiction.*) The district court is clothed with original and full jurisdiction in the premises. Its proceedings [etc.] shall be entered in the juvenile court record. The court shall always be open, but matters requiring notice shall be heard only in term time or by special appointment.

14.<sup>3</sup> (*Children within the act.*) The act shall apply only to children under 16,<sup>3</sup> not inmates of a state institution or industrial school, or of any Iowa-incorporated institution, and not charged with offenses punishable under Iowa laws by life imprisonment, or by death.

(*Dependent or neglected child.*) "Dependent child" or "neglected child" shall mean any child who is destitute, homeless, or abandoned; or a public charge; or who lacks proper parental care; or habitually begs or receives alms; or lives with the vicious or disreputable, or whose home, through fault of parent or other custodian, is unfit; and any child under 10, found begging, or publicly entertaining upon the street for pecuniary gain, or who aids any one so doing; [and any child] who, through demoralizing surroundings, is within the spirit of this act.

(*Delinquent child.*) "Delinquent child" shall include any child under 16 who violates any law of the state, or city or village ordinance; or is incorrigible; or knowingly associates with thieves or [other] immoral persons; or is growing up in idleness or crime; or, knowingly, frequents a house of ill fame or patronizes a gambling place;

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<sup>1</sup> Of this chapter said chapters 11 and 7 are the constituent parts.

Said Chapter 5-B has been *amended and supplemented* by L. 1900, ch. 13.

<sup>2</sup> And see, as *affecting* this section, and each of the remaining sections, L. 1909, ch. 13.

<sup>3</sup> Cf. age limit in 24, *infra*.

## JUVENILE COURT LAWS SUMMARIZED

IOWA

or who habitually wanders about any railroad yards or tracks, boards any moving train, or enters any car or engine without authority.

15-16.<sup>2</sup> (*Petition. Summons.*) The proceedings begin by the petition of any reputable person. Thereupon a summons shall issue to the child's custodian.

(*Notice.*) Either the parents, or the legal guardian, or some relative [in this order of mention] shall be notified; and the judge may appoint some suitable person to act in the child's behalf.

(*Warrant.*) Where a summons proves impracticable, or is, or probably will be, ineffectual, a warrant may issue either against custodian or child.

(*Hearing. Crimes. Trial. Examination.*) The court shall proceed to hear and dispose of the case summarily: *Provided*, That when the child stands charged with a crime (not punishable by imprisonment for life, or by death) the court may, and if a demand be duly made, shall, place him on trial therefor. Where the penalty for the offense exceeds a fine of \$100, or imprisonment for thirty days, the court shall "make an examination." Pending final disposition of the case, the child, in default of bail, may be suitably detained.

(*Trials on information. Procedure. Appeals.*) Offenses not triable on indictment shall be tried, before a jury, on information filed by a peace officer. District court procedure shall prevail, and the defendant may take his exceptions and appeal.

17.<sup>2</sup> (*Discretionary powers of court.*) When a child shall be found guilty of a crime not punishable by imprisonment for life, or by death, the court may proceed as provided in section 23.

18.<sup>3</sup> (*Probation officers, unpaid and paid. Duties.*) Unpaid probation officers may be appointed; and in any county of over 50,000<sup>4</sup> the district court may designate not more than two paid officers having in the discharge of their official duties all the authority of sheriffs. The officer shall investigate cases, and assist the court, as required. He shall represent the child's interests at the trial, taking charge of him before and after.

19.<sup>2</sup> (*Exclusion from court room.*) The judge shall designate a certain time for the hearing of a case; and from such hearing may exclude all unnecessary persons.

20-22.<sup>2</sup> [*Commitment of dependent or neglected child*<sup>5</sup>—*Guardianship—Adoption—Disposition of child by agreement.* See Ohio, the act of 1902, sections 6, 8, 7, *infra.*]

23.<sup>2</sup> (*Delinquent child. Probation. Placement. Limit of commitment.*) In the case of a delinquent child, the court, continuing the hearing from time to time, may commit the child to a probation officer, and may allow the child to remain at home, subject to the officer's visitation, to report as required, and to be returned to the court whenever necessary; or may place the child in a suitable family home, subject to supervision and the court's further order; or may provisionally board him out; or may commit him to an industrial school; or to any Iowa-incorporated or city or county institution within the county, for delinquent children, or to any state institution for delinquent children over 10. No period of commitment shall extend beyond the age of 21 (males) and 18 (females).

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<sup>2</sup> And see, as *affecting* this section, and each of the remaining sections, L. 1909, ch. 13.

<sup>4</sup> Dubuque, Linn, Polk, Pottawattamie, Scott, Woodbury.

<sup>5</sup> Cf. L. 1909, ch. 14, s. 11.

## A SUMMARY OF JUVENILE COURT LAWS

### KANSAS

(*Parole. Discharge.*) The managers of the institution of commitment may parole the child on conditions prescribed; and the court, on their recommendation, may discharge him from custody whenever it considers his reformation complete, or may commit him to some duly accredited association caring for neglected or dependent children.

24.<sup>2</sup> (*Children not to be committed to jail.*) No child having not yet reached his seventeenth birthday shall be committed to a jail or police station; lacking bail, he shall be suitably detained elsewhere. No child under sentence shall be confined in the same yard or inclosure with adult convicts, or brought into any yard or building where they may be.

(*Transfer to district court.*) Any "such" child, charged with a misdemeanor before any justice or police court, "in such counties," shall at once be transferred to the district court.

25.<sup>2</sup> (*Order of support.*) If the court shall find the parent of a neglected, dependent, or delinquent child able wholly or partly to support him, it may enter the proper decree, and enforce the same by execution or as a court of equity may enforce its decrees.<sup>3</sup>

26.<sup>2</sup> (*Supervision by board of control.*) The board of control shall supervise all organizations for juveniles. Such organizations, and also the court, shall report annually to the board.

27.<sup>2</sup> (*Religion of parents.*) Commitments shall conform, so far as practicable, to the religious faith of the parents.

28.<sup>2</sup> (*Construction.*) [See Indiana, L. 1903, ch. 237 (amended), "10-12" (sec. 10), *supra*.]

29-30.<sup>2</sup> (*Detention home and school.*) Each county of over 50,000 shall provide and maintain, apart from jail or police station, a suitable detention home and school for dependent, neglected, and delinquent children.

### KANSAS

Chapter 106, of 1901, authorized unpaid probation officers; provided for a separate trial of juvenile defendants, and for the exclusion of all unnecessary persons from such trial; and forbade the confinement of juveniles in jails with other prisoners.

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*An act to establish a juvenile court and provide for the care of dependent, neglected, and delinquent children.*

[L. 1905, ch. 190.]

SECTION 1. (*Juvenile court.*) Each county shall have a juvenile court, presided over by the judge of probate, with jurisdiction of all cases concerning dependent, neglected, and delinquent children.

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<sup>2</sup> And see, as affecting this section, and each of the remaining sections, L. 1909, ch. 13.

<sup>3</sup> And see L. 1909, ch. 14. "Contributory Dependency,"—a novel and quite elaborate statute, apparently directed against impecunious idlers having, or in control of, children; etc.

**SEC. 2.** (*Definitions.*) Act applies only to children under 16 (not in any state or Kansas-incorporated institution, or any industrial school); but jurisdiction once acquired may continue until majority. [For definition of "dependent child" and "neglected child," see "neglected child," in Ohio, the act of 1902 (and amended in 1904), sec. 2, *infra*. Include: *Or who has idle and immoral habits.*] "Delinquent child" shall include any under 16 who violates a state law or municipality ordinance; or is incorrigible, or growing up in idleness or crime; or, knowingly, associates with vicious or immoral persons or patronizes a pool room or gambling place.

**SEC. 3.** (*Probation officer.*) A juvenile court shall appoint one or more paid probation officers. (The judge may "designate as probation officer" the regular county truant officer who shall serve without extra remuneration.) [For the duties of a probation officer, etc., see Illinois, juvenile court law, in sec. 6, "The officer . . . before and after," *supra*.] The officer may at any time, with or without warrant, bring his charge before the court.

**SEC. 4.** (*Petition.*) The procedure begins by a petition. If no ground for complaint be found, no permanent record shall be made.

**SEC. 5.** (*Summons or warrant.*) [See Missouri, the St. Louis act (1903), secs. "4, 5," beginning "after petition filed," and continuing through the words "child's behalf," *infra*.] The court *may* order a warrant. As soon as practicable, the case shall be disposed of summarily, and final judgment entered.

**SEC. 6.** (*Disposition of child.*) The court may continue the hearing, the child going to the probation officer, or remaining at home or in suitable custody, or being placed with some suitable family, on probation. Pending a hearing, a child shall not (save in case of felony) be sent to jail or police station, but shall be suitably detained elsewhere.

**SEC. 7.** (*Dependent or neglected child. Commitment.*) Any child under 17 found to be "dependent or neglected" may be committed to some training or industrial school or [other] suitable organization, or to some suitable citizen.

**SEC. 8.** [Guardianship—Adoption. See Ohio, *ibid.*, sec. 8.]

**SEC. 9.** (*Delinquent child. Commitment.*) [See Ohio, *ibid.*, sec. 9, through the words "in such a home".] Or the child may be sent to an institution for delinquent children; but no one under 16 shall be committed to the state reformatory, and there shall be no commitment beyond a child's minority. [Continue, as in Ohio, said section 9, ¶ 2, *adding*: or to "some discreet person."]

**SEC. 10.** [Revocation of custody. In child's interests, court may revoke order of commitment and make further orders in premises.]

**SEC. 11.** (*Transfers to juvenile court.*) Should an arrested child under 16 be taken before a justice of the peace or police magistrate [etc.], the case shall be transferred to the juvenile court, which may proceed as if the case had begun by petition.

**SEC. 12.** (*Appeals.*) From a final order of commitment a child's appeal to the district court shall be allowed.

(*Felony.*) The juvenile court may remand all felony cases to the district or county court.

**SEC. 13.** (*Assistance from county attorneys and others.*) County and city attorneys shall do what they may to aid probation officers; and a police officer or constable arresting a child under 16, shall at once notify the probation officer, or the juvenile court judge, and give him all known facts about the case.

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### KENTUCKY

SEC. 14. [Suspension or remission of sentence. See Missouri, *ibid.*, sec. 9.]

SEC. 15. (*Construction.*) This act shall be liberally construed: That the child shall receive quasi-parental care, and gain when practicable an approved family home. Juvenile court proceedings shall not import criminal conduct by any child.

SECS. 16-17. [Repeal, etc.]

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*An act amendatory of and supplemental to the above.*

[L. 1907, ch. 177.<sup>1</sup>]

SECTION 1. (*Penalty.*) A person responsible for or contributing to a child's "delinquency, dependency, or neglect" is guilty of a misdemeanor punishable by fine not exceeding \$1,000, or by imprisonment not exceeding one year, or by both. The juvenile courts shall have jurisdiction of all cases hereunder.

SECS. 2-5. [Suspension of sentence—Bond—Probation—Forfeiture—Judgment on bond—Application of bond collections. See Colorado,<sup>2</sup> L. 1905, ch. 81, secs. 2-5, *supra*; Colorado, dealing with the responsibility of another for a child's *dependency or neglect*.<sup>3</sup> It may be that the wording, in Kansas ("hereunder" and "under this act" in sec. 2, "under this act" in sec. 3, etc.), is broad enough to include, by implication, cases involving contribution to a child's *delinquency*.]

SEC. 6.<sup>4</sup> (*Nonrepeal.*) Nothing in this act shall be construed to repeal any act providing for support, by parents, of minor children, or any part of the acts concerning delinquent children "or persons contributing thereto"; and nothing in said acts shall prevent proceedings hereunder in any proper case.

SECS. 7-11. [Providing for detention home or "juvenile farm" (in each county with a population as stated in sec. 7 of the act) to be under the supervision of the juvenile court judge, who is required to report to the governor.]

SEC. 12. (*Continuing jurisdiction.*) Jurisdiction acquired over a juvenile offender shall not cease with his reaching 16, but shall continue until his discharge.

SEC. 13. [Counties of 25,000 or over; as to compensation of county probation officer.]

SEC. 14. (*Soldiers' orphans' home.*) An application for a child's admission to the soldiers' orphans' home shall be made to the juvenile court of the child's county.

SECS. 15-18. [Sheriff's witness fees.]

### KENTUCKY

By chapters 64 and 54 of 1906 were passed an act providing for "the juvenile session of the county court," and an act providing for the punishment of one respon-

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<sup>1</sup> Sections 1 and 2 of this chapter are referred to in L. 1909, ch. 115.

<sup>2</sup> The maximum of the bond, and of the monthly payment, is much larger in Kansas than in Colorado.

<sup>3</sup> Colorado deals with its contributors to juvenile *delinquency* in another statute.

<sup>4</sup> The phraseology of this section appears to have been adopted from the Colorado law of 1905 above referred to. No Kansas act corresponding to the words quoted (excepting so far as this act, quoted from, may itself be said so to correspond) has been found.

sible for a child's dependency or delinquency. Both laws were superseded and repealed in 1908.

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*An act relating to dependent, neglected, or delinquent children, and fixing the powers of the several county courts as to the care and control thereof.*

[L. 1908, ch. 67.]

SECTION 1. (*Age limit.*) Act shall apply only to boys under 18 and girls under 19.

(*Definitions, etc.*) [For definition of "delinquent child," etc., see Illinois, juvenile court law, sec. 1, from the words "delinquent child" through the section, *supra*; duly extending age limit, and including *habitual truants*.]

For this act "dependent child" or "neglected child" shall mean any boy under 18, or any girl under 19, who is found begging, or receiving, or gathering alms (whether actually begging or pretending to sell or offer for sale anything), or being in any road or public place for so begging, gathering, or receiving alms; or found providing music for gain upon the streets or in any public place; or found wandering and without any home or settled place of abode or proper guardianship or visible means of subsistence; or found destitute, homeless or abandoned or dependent upon the public for support, or who lacks proper parental care, or whose home through neglect, cruelty or depravity of parents, guardian or other custodian, is unfit; or found living in any house of ill fame, or with any vicious or disreputable person.

SEC. 2. (*Jurisdiction.*) The county courts of the several counties shall have exclusive jurisdiction.

(*Jury trial.*) Trial by jury shall be granted on demand, unless waived; or the judge may call a jury *sponte sua*.

(*Juvenile session.*) A juvenile record and docket shall be kept. The court may be called "the juvenile session of the county court." Counties<sup>1</sup> containing a city of the first class shall provide a special court room and suitable quarters for the probation officers.

There shall be an annual report to the governor on juvenile cases, but it shall not disclose the identity either of child or of parent.

SEC. 3. (*Probation officers.*) The county courts may appoint probation officers; unpaid, except that counties containing a city of the first or second<sup>2</sup> class may have a paid chief probation officer and one or more paid assistants.

SEC. 4. (*Petition.*) The procedure in these cases begins by petition. (Inmates of a state institution or any Kentucky-incorporated institution for children, or any reform or industrial school, not within scope hereof.)

(*Summons. Notice. Warrant. Hearing.*) [The provisions as to *summons*, *notice*, *warrant*, and *hearing* are similar to those of Wisconsin, sec. 573-5, subdivisions 1, 2, *infra*. The Kentucky section contains additional provisions as to service of summons and notice, and provides that all hearings shall (so far as the law allows) be conducted in chambers to the exclusion of the general public.]

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<sup>1</sup> Jefferson, containing Louisville.

<sup>2</sup> Covington, in Kenton county; Lexington, in Fayette county; Newport, in Campbell county; Paducah, in McCracken county.

## A SUMMARY OF JUVENILE COURT LAWS

### KENTUCKY

(*Jail prohibition. Penalty.*) Until the first hearing the child may be released on recognizance or suitably detained. Anyone who knowingly incarcerates a child under 14 in a county jail or police station shall be guilty of a misdemeanor punishable by fine not exceeding \$100.

(*Detention school.*) Temporary homes for children in cities of the first class shall be used as detention schools, with instruction through the eighth grade. In certain counties suitable detention schools shall be established.

SEC. 5. (*Transfers from justices, etc.*) [See Illinois, *ibid.*, sec. 10; duly extending age limit.]

(*Transfers to criminal courts.*) The court *may* permit a delinquent child to be prosecuted criminally, in which case the petition shall be dismissed and the case duly transferred.

SEC. 6. [A child may give bond or other security for appearance at his trial.]

SEC. 7. (*Disposition of delinquent child.*) The child may remain at home on probation, reporting to the officer, and liable to be returned to the court; and if custodian consent—or be unfit, unable, or unwilling to care for the child—the latter either may continue at home under an officer, or may be placed in a suitable family home; or may be sent to an appropriate official institution or to some child-helping association. No period of commitment shall extend beyond the age of 21.

(*Discharge.*) The institution or association may, with the court's approval, release the child on conditions; and on its recommendation the court may discharge him whenever the latter considers his reform complete, placing him on probation when and so long as necessary.

SEC. 8. (*Examination by physician.*) Children may be sent by the court to the hospital for treatment or special care. A physician's examination, without charge to the public, may be made; but not without consent of parent or custodian.

SEC. 9. (*Disposition of dependent or neglected children.*) [Similar to section 7, through the words "for the child." Then come provisions that under such circumstances the court may place out the child in a suitable home subject to the visitation and supervision of a probation officer, or may commit him to some child-helping association—no dependent or neglected child to be committed to an association receiving delinquent children unless the latter are properly segregated.]

SEC. 10. [Girls in transit to or from an institution, to have a woman escort.]

SEC. 11. [Cases to be returned to their homes as soon as advisable, considering the welfare both of child and state.]

SEC. 12. [*Citation of custodian, whether individual or organization—Custodian's duty to report—Judicial transfer of child, or restoration to parents or former custodian.*] ]

SEC. 13. [Commitment—Order of court. See Illinois, *ibid.*, sec. 9c, through the words "(of record)."]

SECS. 14-15. [Religious belief of parents—Order of support. See Illinois, *ibid.*, secs. 17, 22.]

In Kentucky only *parents* are stated as subject to an order of support.]

SEC. 16. (*Restitution.*) If, as an element of his delinquency, the child has committed an act involving civil liability, restitution or reparation to the injured person may be required.

SEC. 17. [Stenographer.]

JUVENILE COURT LAWS SUMMARIZED

KENTUCKY

SEC. 18. (*Construction of act. Chancery jurisdiction.*) [Section similar, in most respects, to Massachusetts, L. 1906, ch. 413, sec. 2, *infra*.]

SEC. 19. (*Advisory board of the county court, juvenile session.*) The county judge of each county may appoint this unpaid board, to visit child-helping associations and report on them to the court, [etc.].

SEC. 20. (*Duties of probation officers.*) A probation officer shall investigate not only the specific act, but all the surrounding circumstances, including the status of the custodian. His written report shall be rendered to the judge before the hearing.

Officers shall also represent and take charge of children; and shall admonish and encourage them. They shall furnish information, and advise with the court as to disposition of cases.

Excepting to the court or advisory board, no information professionally obtained shall be divulged, without the court's consent; and without such consent no record of proceedings shall be made public; but officers shall not thus be relieved on the witness stand, nor the production of the records in trials or legal proceedings be prevented.

[*Duties of chief probation officers.*]

SEC. 21. [*Provisions for salaries and expenses hereunder, in counties containing a city of the first or second class.*]

SEC. 22. (*Repeal.*) A [certain] act of March 21, 1906 [ch. 64], is repealed.

SEC. 23. [*Act composed of separate enactments; invalidity of one not to affect the others.*]

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*An act relating to persons responsible for or contributing to a child's dependency, neglect, or delinquency.*

[L. 1908, ch. 60.]

SECTIONS 1, 2. (*Description of offense. Petition.*) In the case of a dependent, neglected, or delinquent child, any person wilfully causing or directly contributing to such status, and any custodian wilfully neglecting to prevent or put an end to it, shall be proceeded against on the verified petition of a reputable resident of the county. (On such petition by a probation officer, if the judge so direct.)

(*Summons. Warrant.*) The summons, to all persons named by the petitioner, shall be returnable twenty-four hours or more after service. Failing to appear, a person summoned may be attached, thereupon giving bond. Upon due affidavit, a warrant for the defendant may issue.

SEC. 3. (*Hearing and judgment.*) If the court finds against the defendant, it may require him to do or omit to do acts as [petitioned for or] complained of. He may be released on probation for one year. A proper bond may be required.

SEC. 4. [*The defendant may have a jury trial.*]

SEC. 5. [*Failing (after judgment) to execute bond as ordered, defendant shall be committed to jail.*]

SEC. 6. (*Proceedings on the bond.*) Suit may be brought for violation of the court's order or of the bond,—the sum recovered to be expended for the child.

SEC. 7. (*Protection of the child.*) Act shall be liberally construed: To protect the child not only from neglect by his parents, but also from *any* acts that might cause

## A SUMMARY OF JUVENILE COURT LAWS

### LOUISIANA

or contribute to his dependency, neglect, or delinquency, although the offender be in no way related to the child.

SEC. 8. (*Jurisdiction.*) The county courts of the several counties shall have exclusive jurisdiction.<sup>3</sup>

SEC. 9. [Recourse to criminal procedure, including "proceedings under any Statute of the State."]

SEC. 10. (*Repeal.*) A [certain] act of March 17, 1906 [ch. 54], is repealed.

SEC. 11. [Separation of enactments.]

### LOUISIANA

It was provided by act of 1902 (No. 136) that prisoners under 16 should be kept separate from other prisoners; and that cases under 16 should as far as practicable have a separate hour for trial.

A juvenile court act was passed in Louisiana in 1906 (No. 82). In 1907 the state supreme court held (*In re Parker, Dist. Atty., 118 La., 471*) that the criminal district court of the parish of Orleans was without jurisdiction to perform the duties and functions of a "juvenile court" as provided by act of 1906. New legislation followed in 1908.

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*An act<sup>1</sup> as to neglected and delinquent children under 18, and providing for the trial of adults [in certain cases]; organizing the juvenile court in the parish of Orleans, and providing for separate sessions, as juvenile courts, of the district courts outside of said parish; as to jurisdiction and procedure; providing said courts with probation officers; [etc., etc.,] and providing penalties for violations of this act.*

[L. 1908, No. 83.]

SECTION 1. (*Jurisdiction.*) The juvenile court, *within the parish of Orleans, and the district courts throughout the state, without said parish,* shall have "full and complete jurisdiction of all cases arising under this Act."

SEC. 2. (*Juvenile court, parish of Orleans.*) There shall be a separate court, to be known as the juvenile court of the parish of Orleans.

The judge [whose qualifications are here prescribed] shall be elected for four years. The court shall always be open.

(*Appeals.*) Appeals shall be on matters of law only, to the supreme court of the state.

SECS. 3, 4. (*Quarters separate from criminal courts.*) The city of New Orleans shall provide suitable accommodations for the court in a building separate from any of the criminal courts of the parish; and is authorized to provide the means for carrying on the court.

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<sup>3</sup> Cf. L. 1908, ch. 67, sec. 2, ¶ 1, *supra*.

<sup>1</sup> For a joint resolution, that a stated amendment to the Louisiana constitution, ratifying and approving this act, be submitted to the electors at the November, 1908, election, see L. 1908, No. 245. The amendment appears to have been duly adopted; see Wolff's Constitution and Revised Laws [Vol. 3], p. 390. (New Orleans, 1910.)

## JUVENILE COURT LAWS SUMMARIZED

### LOUISIANA

SEC. 5. (*Probation officers.*) The judge may commission probation officers, of either sex, one to be called chief probation officer. Officers shall be in court at hearings to represent the interests of their charges. They shall investigate each case, and take charge of children before and after trial, as the court may direct. They have all the power of sheriffs in arrests [etc.].

SEC. 6. (*District (sitting as juvenile) courts outside of the parish of Orleans.)* Without said parish, each district court, when in session hereunder, shall be known as the juvenile court; and all sessions and records of said juvenile court shall be held and kept separately. The court may sit in chambers, its sessions irrespective of the "terms of court;" but the expenses entailed by sections 7, 11, and 16 shall not be mandatory in "country" parishes save those <sup>2</sup> containing a city of over 10,000.

SEC. 7. (*Probation officers outside of said parish.*) The respective judges of the district courts without said parish may appoint probation officers of either sex.

SEC. 8. [No costs of court to be received for official services.]

SEC. 9. (*Jurisdiction of Orleans juvenile, and the said district (juvenile) courts.*) The Orleans juvenile court and the said district courts sitting as juvenile courts shall have jurisdiction of all neglected and delinquent children and of all persons charged with contributing <sup>3</sup> to the neglect or delinquency of such children, or with a violation (not punishable by death or at hard labor) of any law for the protection of "such" children; and of all cases of desertion or nonsupport "of children" by a parent.

(*Definitions. Age limit.*) [Here follow detailed definitions of "neglected child" and "delinquent child." They are similar to the definitions set forth in many other states. The age limit is under 18.]

SEC. 10. [Age presumption.]

SEC. 11. (*Affidavit. Summons. Warrant.*) Proceedings shall be by affidavit, which [in certain cases] may be upon information and belief. The custodian shall be summoned to appear with the child. A warrant for custodian or child may be issued.

(*Disposition of the child.*) Throughout the state the child, pending his trial, may remain with his custodian or may be suitably placed with some association or individual. A bond for the child's appearance may be required. Outside of Orleans the child may be kept in some suitable place, apart from the jail. The [appropriate] parish may arrange for him with any suitable organization in Louisiana, subject to the governor's abrogation of the contract, should it be disapproved by the state board of charities and corrections. In Orleans the court may turn the child over to the chief probation officer for proper placement. There shall be no commitment to a jail.

(*Penalty.*) Any officer arresting a child, who shall place him in any police station, jail or other lockup, or shall book him with an offense, or record his arrest in said station or jail, shall be guilty of a misdemeanor, punishable by a fine of not more than \$100.

In preliminary proceedings the child himself need not be present, but *may* be represented by the probation officer.

SEC. 12. (*Proceedings against adults.*) Juvenile court proceedings against adults shall be by affidavit, information, or indictment, as now required by law.

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<sup>2</sup> Caddo, containing Shreveport; East Baton Rouge, containing Baton Rouge. The parish of Orleans, containing (coextensive with) the city of New Orleans,—not being a "country" parish, is not within the description.

<sup>3</sup> No penalty appears to have been provided for this offense; though the title describes the act as "providing penalties for violations" of it.

## A SUMMARY OF JUVENILE COURT LAWS

### MAINE

SEC. 13. (*Investigation.*) The probation officer shall investigate charges without delay.

SEC. 14. (*Counsel for defendant. Evidence.*) The defendant, whether a child or an adult, shall be entitled to counsel. All surrounding circumstances shall be admissible in evidence in the trial, including the result of the officer's investigation. The trials of white children, colored children, and adults, shall be at separate sessions.

SEC. 15. (*Evidence not admissible in any other court.*) No charges or affidavits, evidence, or judgments against a child in any juvenile court shall be thereafter admissible against him in any other court.

SEC. 16. (*Neglected child.*) A neglected child may be suitably committed by the court.

SEC. 17. (*Delinquent child.*) In cases where the delinquency charge would, in an adult, amount to a crime punishable at hard labor, a delinquent child may be committed to the state reformatory; in other cases, to any appropriate institution in the state. Terms may be indefinite, but not beyond minority. Children may be paroled or discharged.

(*Disposition of the child.*) The court, continuing the hearing from time to time, may commit the child to a probation officer, and may allow him to remain at home, or in some suitable family or institution, always under the officer, to whom he shall report duly. He may be returned to the court whenever necessary, in which event he may be disposed of in any authorized manner.

SEC. 18. (*Child-helping organizations to report to the court, etc. Withdrawal of children.*) Child-helping organizations may be required to report to the court, and are subject to supervision by the state board [etc.]. Children may be removed by the court from their keeping.

SEC. 19. (*Statistics of cases to be reported to state board.*) [Annual reports on both children and adults—Names and identity of children not to be disclosed.]

SEC. 20. [Expenses other than judges' salaries.]

SECS. 21-22. (*Construction.*) This act shall be liberally construed; That the care, custody, and discipline of a child shall approximate what should be given by his parents. ("Child" in this act shall not apply to emancipated minors.)

SEC. 23. [Repeal.]

### MAINE

Certain local probation officers were provided for by ch. 346, Private and Special Laws, 1905, and ch. 336, Private and Special Laws, 1907,—both statutes appearing to contemplate both adult and juvenile probationers; and there are general provisions for the probation, etc., of children within certain categories, in ch. 263 of the Public Laws of 1909.

Ch 166, Public Laws, 1909 is entitled "An Act concerning the Protection of Children, and defining certain Acts which shall be considered as causing, encouraging or contributing to the Delinquency or Distress of Infants."

## JUVENILE COURT LAWS SUMMARIZED

### MARYLAND

#### MARYLAND

The scope of juvenile court legislation in Maryland has not yet extended beyond the city of Baltimore.<sup>1</sup> (The original act establishing the court, for Baltimore, and authorizing the appointment of probation officers by the "supreme bench of Baltimore city," was passed in 1902.) It seems, however, that throughout the state a court of record, or justice of the peace having criminal jurisdiction, may commit to an institution, until 21, any minor under 18 "without proper care and guardianship."<sup>2</sup>

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#### BALTIMORE JUVENILE COURT

*An act to amend article 4 of the Code of Public Local Laws [1888], title "City of Baltimore."*  
[L. 1902, ch. 611. As amended in 1904 and 1906.]

##### SECTION 1. Adding to said article 4:

623A.<sup>3</sup> (*As amended by ch. 521 of 1904.*) (*Judge.*) In addition to the justices of the peace mentioned in section 623, the governor (with the advice and consent of the senate, if in session) shall appoint, from the city of Baltimore at large, an additional justice of the peace, as "the magistrate for juvenile causes," who shall be a member of the "bar of the supreme bench of Baltimore city."

(*Jurisdiction. Age limit.*) He shall have exclusive jurisdiction, where jurisdiction "is" given by law to any justice of the peace in Baltimore, in all cases of trial, or of commitment for trial or to a juvenile institution, of any minor under 16; and shall hold court in the city court-house.

(*Detention of minor.*) Any minor arrested may be taken to such place other than a station house as may be designated by said justice and provided by the city. Failing such designation, he may be held at a station house until brought before the justice, who may commit him for trial or hearing to a suitable juvenile institution "or other suitable prison" instead of the city jail.

SEC. 2. The subtitle before section 881 is amended to read "vagrant, dependent and vicious children."

##### SEC. 3. Adding to said article:

886A.<sup>3</sup> (*As amended by ch. 263 of 1906.*) (*Probation officers.*) The supreme bench of Baltimore city is authorized to appoint probation officers of either sex, five of them to be paid. Probation officers act under the authority of the various courts presided over by the judges of said supreme bench, and are vested with the privileges and authority of conservators of the peace.

886B.<sup>3</sup> (*As amended by ch. 514 of 1904.*) (*Duties of probation officers. Probation.*) In any proceeding before "any of said courts" or before the magistrate for juvenile causes, involving the detention, custody, or commitment of any minor, pro-

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<sup>1</sup> L. 1906, ch. 807, provided that within 30 days after the passage of the act the Governor should appoint a board of commissioners for the revision of the laws relating to certain subjects, including "juvenile courts." (Board not appointed?) And for a commission relating to minor children, etc., see L. 1908, at p. 150, ch. 486.

<sup>2</sup> L. 1908, p. 150 (ch. 626), *infra*. An extended definition, in the statute, of the phrase "minor without proper care and guardianship," makes reference to "vicious and evil tendencies" on his part.

<sup>3</sup> Number of section as it would stand in art. 4, Code of Public Local Laws.

## A SUMMARY OF JUVENILE COURT LAWS

### MASSACHUSETTS

bation officers shall make such investigation as the court may require. At any stage in the case of a minor charged with crime, or in a case involving the care and custody of a minor, the court may suspend action and place the minor on probation, to be brought in by the probation officer at any time.

(*Investigation of institutions.*) Probation officers shall be selected by the supreme bench to visit the institutions to which minors are committed by any of said courts, to investigate all juvenile matters, and to report thereon to "said court."

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#### COMMITMENT OF UNCARED FOR MINORS UNDER 18

[L. 1908, p. 150, ch. 626.]

SECTIONS 1-2. Sec. 18 of art. 42 of the Code of Public General Laws, as re-enacted by act of 1904, ch. 291, is hereby repealed and thus re-enacted:

18. (*Age limit.*) A "minor without proper care and guardianship," under 18, may be committed to a juvenile institution. [Here follows a definition in detail of the phrase quoted.]

(*Trial.*) A court of record, or a justice of the peace <sup>4</sup> having criminal jurisdiction may commit such a minor to a Maryland-incorporated juvenile institution, until 21, unless sooner duly discharged. At a trial surrounding circumstances and germane records shall be considered, as well as the welfare of the minor and the community at large.

(*Warrant or order not always necessary. Notice.*) A warrant or order may issue for the minor, or he may be committed without it; but the parent or other custodian, if located, should be duly notified to appear at the trial.

### MASSACHUSETTS

For many years laws have been enacted in Massachusetts with special reference to juvenile offenders. A brief mention of some instances here follows.

By chapter 165 of 1847 was established the first state reformatory in the United States,—the state reform school, at Westborough, now the Lyman school for boys.

Ch. 359 of 1870 (as amended by ch. 365 of 1871) provided that in the county of Suffolk [mainly Boston] all children under 17 complained of "before any police or municipal court," should "have the complaints against them heard and determined by themselves, separate from the general and ordinary criminal business." This is perhaps the earliest legislation of the kind in the United States.

In 1872, by ch. 358, the executive was authorized to "designate and commission such number of justices of the peace as the public interest and convenience may require, to try juvenile offenders." This is supposed to be the earliest legislative provision in the United States for the commission of a judicial officer with express reference to the trial of "cases" of children. The provision was repealed in 1877. (L. 1877, ch. 211, sec. 6.)

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<sup>4</sup> Justices of the peace may commit habitual truants between 8 and 16 to Baltimore city and Allegany county parental schools; L. 1908, p. 229, ch. 241.

## JUVENILE COURT LAWS SUMMARIZED

### MASSACHUSETTS

Ch. 210 of 1877 provided that in the several district, police, and municipal courts of the state, juvenile offenders should "be tried separate and apart from the trial of other criminal cases," at suitable times, to be called "the session for juvenile offenders, of which session a separate record and docket shall be kept." Here, again, is perhaps the first statutory use of the term "session for juvenile offenders."

By ch. 453 of 1866, and ch. 359 of 1870 (above mentioned), a visiting agent of the board of state charities was specifically authorized. It was provided that he should be notified of complaints pending against children under 16 (ch. 365 of 1871, above mentioned, changes "16" to 17), and should have an opportunity to investigate their cases, attend their trials, and protect their interests.<sup>1</sup> (He stood, in a sense, between the youthful defendants and the reformatories; and his request might bring about placement or other similar disposition of a child.)

(*Juvenile probation.*) In the period from 1870 to 1880 juvenile probation had come to be frequently adopted; and the acts of 1878 (ch. 198) and 1880 (ch. 129<sup>2</sup>), which, considered jointly, authorized paid probation officers throughout the state (without reference to the age of offenders),—specifically provided that nothing therein should authorize probation officers to interfere with any of the duties required of the visiting agent or officer of the state board under the laws relating to juvenile offenders. Indeed, it is said that the good result of juvenile probation was a main cause of the act of 1878.

The probation law of 1891 (ch. 356<sup>3</sup>) provided a paid probation officer for each municipal, police or district court. Under these circumstances the provision for primary intervention in juvenile cases, by the "state board of charity," as matter of its right, proved cumbrous, and was superseded by the Delinquent Children act (ch. 413) of 1906. By this act, however, the state board was specifically clothed with certain *supervisory* authority.

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#### *An act relative to delinquent children.*

[L. 1906, ch. 413.]<sup>4</sup>

SECTION 1. (*Definitions.*) "Court" in this act means a police, district, or municipal court, or a trial justice.

"Delinquent child"<sup>4</sup> means anyone between 7 and 17 who violates a city ordinance or town by-law or commits an offense not punishable by death or by imprisonment for life.

"Wayward child" means one between 7 and 17 who habitually associates with the vicious or immoral, or who is growing up in circumstances inducing an immoral, vicious, or criminal life.

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<sup>1</sup> By ch. 291 of 1879 the "board of state charities," and the "visiting agency," were abolished; and "a state board of health, lunacy and charity" was provided for.

<sup>2</sup> Incidentally, it may be observed that respective portions of ch. 129 of 1880, and ch. 356 of 1891, have been repealed by L. 1908, ch. 465. This statute has provided for a state commission on probation, and its language shows that *juvenile* probation is included within its purview. And see L. 1908, ch. 637.

<sup>3</sup> This chapter is affected by L. 1906, ch. 489, *infra*; and see L. 1907, ch. 137.

<sup>4</sup> For other uses of this term, in different contexts, see L. 1907, ch. 252; L. 1908, ch. 639.

## A SUMMARY OF JUVENILE COURT LAWS

### MASSACHUSETTS

SEC. 2. (*Liberal construction.*) This act shall be liberally construed: That the care, custody, and discipline of the children brought before the court shall approximate that which they should receive from their parents and that they shall be treated, not as criminals, but as in need of aid, encouragement, and guidance.

Proceedings against children hereunder shall not be deemed criminal proceedings.

SEC. 3.<sup>6</sup> (*Complaint. Summons or warrant.*) Upon complaint made that a child between 7 and 17 is wayward or delinquent a summons shall issue. In default of his appearance (or in place of a summons, if he is 14 and a summons would probably be disregarded) a warrant may issue for him and for witnesses.

(*Commitment.*) No child under 14 shall be committed to a lockup or [other places], either in default of bail or fine (except as in sections 5 and 9), or upon conviction of any offense not punishable by death or imprisonment for life: *Provided*, That a boy of 12 or over, arrested while breaking a state law, or on a warrant, may be committed to a lockup, police station, or house of detention.

Of the commitment of a child under 17 notifications shall be duly given. The child shall be released to the probation officer on the latter's written request, unless the committing officer duly requests the child's detention.

SEC. 4. (*Summons to hearing.*) The parent or other custodian shall be summoned to the hearing. If there is no such person who can be summoned, a suitable representative of the child may be appointed. And at any proceedings the court may request the attendance of an agent of the state board to protect the child's interests.

SEC. 5. (*Appeals.*) From an adjudication of waywardness or delinquency a child may appeal to the superior court, and shall at the time be notified of this right. Sec. 34 of ch. 217, and sec. 22 of ch. 219, Revised Laws, shall be applicable under this act.

(*Probation officer.*) If under 14, a child held, unable to furnish bail, shall be committed to the state board of charity or to a probation officer. If 14 he shall be committed to a probation officer; or if the court, upon immediate inquiry, shall apprehend a default, he may be committed to jail. The probation officer, in relation to a child committed to him hereunder or released to him under sec. 3, shall have all the authority, rights, and powers of a surety upon such a child's recognizance.

SEC. 6. (*Separate session.*) The session for children shall be separate in time, and, when practicable, in place, from that for criminal trials; and a separate docket and record shall be kept. No minor shall attend a hearing unless he is needed in the interests of justice.

SEC. 7. (*Probation officer.*) The probation officer shall investigate each case of waywardness or delinquency, reporting upon character, surroundings, and record. He shall attend the trial, and assist the court as required. At the end of a probation period he shall report the conduct of his charge.

SEC. 8. (*Hearing.*) A child adjudged to be wayward may be placed with a probation officer or dealt with as if a case of neglect.<sup>8</sup>

(*Disposition of case.*) The case of one adjudged a delinquent child may be

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<sup>6</sup> This section has been affected (possibly also other parts of the chapter?) by L. 1908, ch. 286.

<sup>8</sup> The court's powers in such a case are very broad. See sec. 3, ch. 334, 1903.

## MASSACHUSETTS

placed on file, or the child may be placed with a probation officer. If, in the latter event, the complaint has alleged the violation of a state law, the state board of charity may be authorized to indenture the child or place him out; and should he prove unmanageable, to commit him until 21, if a boy under 15, to the Lyman school for boys; if a girl under 17, to the state industrial school for girls.

The court also may commit "such delinquent child" to any institution (excepting a jail or house of correction) to which he might be committed upon a conviction for "such violation of law," and all laws applicable to a child so committed shall apply to a delinquent child committed under this section.

SEC. 9. (*Probation.*) A probation officer, with or without a warrant, may bring his charge before the court. Thereupon the probation period may be continued or extended; or the case may be disposed of as it might have been prior to probation.

If the child has violated the conditions of his probation, he may be fined not more than \$5; and for nonpayment may be ordered to jail for not more than five days. Such order may be suspended and the probation continued, unless the court apprehends a default. The fine continuing unpaid, the suspension period may be extended, or the case placed on file, or the suspension revoked.

SEC. 10. (*Proceedings, when evidence.*) [See Colorado, L. 1903, ch. 85, sec. 1, ¶ 3, *supra*.]

SEC. 11. (*Criminal proceedings.*) If upon the allegations in the complaint the court considers that there should be criminal proceedings, it may, after a hearing, order the complaint dismissed. This procedure must precede such proceedings against children between 7 and 14, except for capital or life sentence offenses.

SEC. 12. (*Restitution or reparation.*) If any civil liability is involved in the delinquency adjudicated, and the child shall be placed on probation, the court may require restitution or reparation to the injured person.

SEC. 13.<sup>7</sup> (*Parental responsibility. Penalty.*) A parent found responsible for juvenile waywardness or delinquency shall be fined not more than \$50, or imprisoned not more than six months.

SECS. 14-16. (*Supervision by state board of charity, etc.*) The state board of charity may supervise the probation work for wayward and delinquent children, and may make inquiries and recommendations.

*An act to establish the Boston juvenile court.*

[L. 1906, ch. 489.]

SECTIONS 1-3. (*General provisions.*) The court shall consist of one justice and two special justices, to be appointed by the executive.

SEC. 4. (*Jurisdiction.*) All jurisdiction and powers vested in the municipal court of the city of Boston, or conferred upon municipal courts by ch. 413 of 1906, which involve the disposal of children under 17,<sup>8</sup> or complaints and processes in

<sup>7</sup> But see L. 1909, ch. 180.

<sup>8</sup> As to children becoming 17 before their cases have been disposed of, see L. 1907, ch. 411. Cf. sec. 8, ch. 413, 1906, *supra*.

## A SUMMARY OF JUVENILE COURT LAWS

### MASSACHUSETTS

relation thereto, or which relate to the care of neglected children under ch. 334 of 1903, its amendments<sup>9</sup> and additions, are transferred to the Boston juvenile court,<sup>10</sup> which shall have jurisdiction over such other matters as may come before it under this act.

SEC. 5. (*Hearings private.*) So far as possible, the court shall hear all cases in chambers; and unnecessary persons shall be excluded.

SEC. 6. (*Probation officers.*) The justice shall appoint two probation officers. All statutes applicable to the probation officers of the courts in the city of Boston, shall apply, so far as appropriate and save as herein otherwise provided.

The justice may also appoint unpaid deputy probation officers in his discretion.

SEC. 7.<sup>11</sup> (*Undertaking for the child's presence.*) To avoid a child's incarceration a [committing] officer, save where the warrant (if any) prescribes otherwise, may accept a written undertaking for the child's presence in court. Nothing herein shall prevent the due admission of the child to bail.

SECS. 8-10. (*Information as to school attendance, etc.*) Both public and private schools shall, as requested, inform the court as to any pupils under their charge, [also] under the charge of this court.

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*An act to provide for securing the attendance at court of parents and others in cases of juvenile offenders and other minors.*

[L. 1907, ch. 195.]

SECTION 1. (*Summons during case.*) At any time during a case against a minor under 17 the court or magistrate may summon parent, guardian, or person with whom the minor lives, in the manner provided in sec. 4 of ch. 413 of 1906.

SEC. 2. (*Capias.*) A capias may issue for anyone summoned thus, or under said sec. 4, or sec. 1<sup>12</sup> of ch. 334 of 1903; the procedure in the case of government witnesses failing to appear shall be followed.

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*An act authorizing probation officers for children.*

[L. 1908, ch. 637.]

SECTION 1. (*Probation officers.*) Each inferior court whose district has a population of 30,000 to 125,000, may [hereunder], if not already authorized, appoint a paid probation officer for wayward and delinquent children.

Each other inferior court (excepting the municipal court of the city of Boston, and the central district court of Worcester) may appoint such an officer, unpaid.

The paid officers shall, and the unpaid may, have, in cases of such children and of juvenile offenders, the power and authority of probation officers. No appointment

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<sup>9</sup> Amended by L. 1909, ch. 181.

<sup>10</sup> Cf. L. 1907, ch. 137.

<sup>11</sup> And see L. 1908, ch. 286.

<sup>12</sup> Said sec. 1 has been amended by L. 1909, ch. 181.

## JUVENILE COURT LAWS SUMMARIZED

### MICHIGAN

shall be made until the commission on probation, established by ch. 465 of 1908, shall certify to its necessity.

SECS. 2, 3. (*Unpaid deputies.*) Each inferior court (excepting the municipal court of the city of Boston) may appoint unpaid deputies.

### MICHIGAN

For "State agency for juvenile offenders," see Compiled Laws, 1897, sections 2260-2266.

By an act of 1901 it was provided that all criminal cases of defendants under 16 should be heard at a time "separate and apart from" other criminal trials.

The first juvenile court law of Michigan was passed in 1905, but was declared unconstitutional. New legislation, both local and general, and including a law providing for the punishment of one who is responsible for a child's delinquency, followed in 1907. (And see legislation in 1909, noted *infra*.)

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*An act<sup>1</sup> as to dependent, neglected, and delinquent children under 17 in Detroit; to establish the Detroit juvenile court [etc.].*

[Local acts, 1907; No. 684.]

SECTION 1. (*Definitions.*) Act shall apply to children under 17 in the custody or control of any resident of Detroit, and to all "dependent," "neglected," and "delinquent" children within this act, found in Detroit, except inmates of a state, or Michigan-incorporated, institution or an industrial school. [Here follow the definitions of "dependent child" and "neglected child," and of "delinquent child"; for which (and after these, for the rest of the section) see<sup>2</sup> Illinois, juvenile court law, sec. 1, *supra*, approximately, and omitting the first sentence of the Illinois section.]

SEC. 2. (*Juvenile court.*) There shall be a municipal court of record known as the juvenile court of Detroit, having original jurisdiction. The judge shall be chosen at the city election, for four years.

SEC. 3. [Construction of act. See Massachusetts, L. 1906, ch. 413, sec. 2, *supra*.]

SECS. 4, 5. (*Court room. Jury.*) There shall be a special court room and record. Annually, or upon the clerk's requisition, a jury list shall be selected. Six residents of Detroit shall compose the jury.

SEC. 6. (*Detention house.*) The county shall provide a place of detention separate from the jail or other building for adult criminals or prisoners and located conveniently for juvenile court work, with surroundings both physically and morally beneficial to the children to be detained therein.

SEC. 7. (*Probation officers.*) On the judge's recommendation the police commissioner shall appoint one or more probation officers, unpaid, except as herein provided. An officer may be peremptorily removed by the court at any time.

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<sup>1</sup> Cf. L. 1907, extra sess., Public Acts, [No. 6], as amended by [No. 310] of 1909, Public Acts,—*infra*. (Cf. especially sec. 13, as amended.)

<sup>2</sup> Save for age limit (and as qualified in the text).

## A SUMMARY OF JUVENILE COURT LAWS

### MICHIGAN

A probation officer shall investigate cases;<sup>3</sup> assist the court as required; be in court to represent the child at the trial, and take charge of him before and after. He shall qualify by duly giving bond with surety, and shall act under the supervision<sup>4</sup> of the county agent.

(*County agent.*) The number of paid officers shall not exceed five—the chief<sup>4</sup> and four assistants. One of the assistants<sup>4</sup> shall be the county agent.

SEC. 8. (*Complaint. Investigation. Summons or warrant.*) Upon complaint filed by any reputable Wayne county resident that a Detroit child is delinquent, dependent or neglected, the county agent or a duly qualified probation officer shall immediately investigate and report to the court. Thereupon a summons may issue to child and custodian. [There is a provision for notice to parents or others;] and some suitable person may be appointed to act in the child's behalf. The court may order a warrant for child and for witnesses.

SEC. 9. (*Transfers.*) A child arrested under 17 may be taken directly before such court. [*Continue as in Illinois, ibid., sec. 10.*]

SEC. 10. (*Commitment to jail prohibited in certain cases. Proviso.*) No child under 14 shall be committed to a police station, lockup, place of detention [for adults], jail, or house of correction, either in default of bail pending an examination, or for non-payment of a fine (except as hereinafter<sup>5</sup> provided), or upon conviction of an offense not punishable by death or life imprisonment: *Provided*, That a boy of 12 or over arrested while violating a state law or municipal ordinance, or on a warrant, may be sent to a lockup, police station, or house of detention. The custodian shall release him to the probation officer on the latter's written request, unless the committing officer shall make a written request for his detention.

SECS. 11-12. (*County agent and probation officer. Session for children.*)

[Investigations of cases, by agent or officer.—Other duties.]

The children's session shall be separate in time, and, when practicable, in place, from that for other cases; and no minor but the defendant shall be present at a trial, unless needed in the interests of justice.

SEC. 13. (*Hearing.*) The child may be adjudged delinquent, dependent, or neglected, or the court may order the child's return to parents or other sponsors; or, if the case is one for criminal proceedings, the court may order the complaint dismissed.

SEC. 14. (*Delinquency. Fine. Probation. Restitution. Dependency or neglect.*) If a child be adjudged delinquent, the court may place the case "on trial" and impose a fine not exceeding \$25 with costs, or the child may be placed on probation receiving a written statement of the conditions of his release; and if he has committed an act involving civil liability, restitution or reparation to the injured person may be required as a condition of probation. Juvenile probationers under an adjudication of dependency or neglect receive a written statement of conditions of release.

(*Commitment.*) The court may commit a willfully wayward or unmanageable case to the industrial school for boys at Lansing or the industrial home for girls at Adrian, or to any suitable private home or institution. The county agent's and pro-

<sup>3</sup> Cf. sec. 11, *infra*.

<sup>4</sup> The supervision by the county agent appears to include probation officers without distinction of grade,—not only the assistants but the *chief*; yet the county agent is himself one of the *assistants*.

<sup>5</sup> Sec. 14, *infra*.

## JUVENILE COURT LAWS SUMMARIZED

### MICHIGAN

bation officer's report shall be attached to the mittimus. A woman shall be sent with a girl committed. All laws applicable to a boy or girl committed for a crime shall apply to a child committed under this section.

SECS. 15-16. (*Probation officer.*) The probation officer shall have, as to his charge, all the authority and powers of a sheriff, police officer, legal guardian, or surety.

SEC. 17. (*No confinement with adults.*) No child shall be confined with adult prisoners or transported in any conveyance used by them.

SEC. 18. (*Disposition of a child, when evidence.*) No disposition of a child, nor any evidence in the case, shall be legal evidence against him, save in later cases against him hereunder; but at any time the child may introduce such evidence in his own behalf.

SEC. 19. [Order of support by parents or guardian.]

SEC. 20. (*Criminal proceedings.*) Except for an offense punishable by death or imprisonment for life, no criminal proceedings shall be begun against a child between 7 and 14 unless delinquency proceedings have been instituted and heard.

SEC. 21. (*Jurisdiction.*) The juvenile court is vested with full jurisdiction in matters of cruelty to children, truancy, and disorderliness of children, and compulsory education embodied in [certain laws stated].

SECS. 22-23. (*Supervision, etc.*) [State board of corrections and charities to supervise probation work for children.]

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*An act<sup>6</sup> as to dependent, neglected, and delinquent children [etc.].*

[L. extra sess., 1907; *Public acts*, No. 6.]

SECTION 1.<sup>7</sup> Act shall apply only to minors.

(*Definitions.*) [For "dependent child" and "neglected child" see Illinois, juvenile court law, in sec. 1, *supra*. Michigan provides no age limit, except that the *begging and music* clause is limited to children under 12.

For the definition of "delinquent child" (beginning "any boy or girl under 17"), etc., see Colorado, L. 1903, ch. 85, sec. 1, ¶¶ 2 and 3, *supra*. Michigan classes also *habitual truants* under the definition.]

SEC. 2. (*Jurisdiction.*) The probate court shall have original jurisdiction in all cases as the juvenile division of said court. In all trials a jury of six may be demanded, or may be ordered by the judge *sponte suâ*.

Should the judge of probate certify to the circuit court that time is lacking for these cases, a circuit judge shall be designated to hear them; but not for more than two months, unless a new certificate and designation be made.

This act shall not prevent criminal trials, in the proper courts, of children over 14 charged with felony.

SEC. 3. (*Trials.*) During trials those having no recognized personal interest in the case may be excluded from the court room.

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<sup>6</sup> Sections 1, 5, 9, 11, and 13 of this act have been subsequently amended by L. 1909, *Public Acts*, [No. 310].

<sup>7</sup> Subsequently amended. See note 6.

## A SUMMARY OF JUVENILE COURT LAWS

### MICHIGAN

(*Place of detention.*) Each county shall provide a place of detention.<sup>8</sup> Inmates may give bond for appearance at trial, and may [in such case?] be provided with counsel. The prosecuting attorney may be instructed to represent the people.

SEC. 4. [Agent of state board of charities and corrections, appointed by the governor in each county to visit and investigate children indentured by state institutions. Such institutions to cancel indentures, when necessary in interests of children.]

SEC. 5.<sup>9</sup> (*Petition. Investigation. Summons or writ.*) [The earlier provisions of this section are broadly similar to sec. 8<sup>10</sup> of the Detroit act, *supra*.] The proceeding begins with the "filing . . . of a sworn petition," as to any child resident in the county where the proceeding is to be had.

(*Hearing.*) The child may be adjudged delinquent, dependent, or neglected.

(*Disposition of the child.*) Thereupon he *may* be returned to parents, guardian, or friends. If found delinquent, he may be placed on probation, upon conditions, receiving a written statement thereof. If the offense be malicious trespass, his probation may be conditioned on the damage being made good, or, if larceny, on his paying for the property.

If found to be wilfully wayward and unmanageable (and in any case of delinquency) the child may be sent to the industrial school for boys at Lansing, or the industrial home for girls at Adrian, or to any suitable state institution. When a girl is to be conveyed to an institution, a woman shall accompany her.

(*Probation officers.*) The court may appoint probation officers (unpaid), having under the order of the court over their charges the authority of county agents "in like circumstances," and reporting to the court and to the state board.

SEC. 6. (*Police or justice court to transfer cases under 17. Exception.*) Arrested children under 17 shall be dealt with by the juvenile division of the probate court; and prisoners in a police or justice court under 17, shall be transferred (unless over 14 and charged with felony) to the said juvenile court.

SEC. 7. [Dependent and neglected children. See Ohio, the act of 1902, sec. 6, *infra*; reading *under 17* for "under 16."]

SEC. 8. (*Detention or confinement of children.*) No child under 12 shall be committed to jail or police station, but may be suitably detained elsewhere. No prisoner under 17 shall be placed in any prison cell or apartment, or ride in any vehicle, with an adult prisoner, or may remain in any court room during the trial of adults.

SEC. 9.<sup>11</sup> [*Judges' salaries; their relation to population.*]

SEC. 10. (*Children under orders of court.*) All children under orders of court shall be in charge of county agent, probation officer, or other person designated by the court; and all their necessary maintenance expenses during such custody shall be paid by the county.

SEC. 11.<sup>12</sup> [*Indenture or placing out of children, to be approved by county agent.*]

SEC. 12. [*Temporary vacancies through absence or disability of probate judge, to be filled under general law.*]

<sup>8</sup> Described as in the Detroit act, sec. 6, *supra*.

<sup>9</sup> Subsequently amended. See note 6.

<sup>10</sup> Unlike said sec. 8, there is no provision for a summons to the *child*.

<sup>11</sup> Subsequently amended. See note 6.

<sup>12</sup> Subsequently amended. See note 6.

## JUVENILE COURT LAWS SUMMARIZED

### MINNESOTA

SEC. 13.<sup>13</sup> (*Repeal.*) Repeal of all acts or parts of acts inconsistent herewith,<sup>14</sup> except as to Houghton and Marquette counties: but no pending proceedings shall be affected; nor shall this act affect the act providing for the juvenile court of Detroit<sup>15</sup> [*supra*]; nor shall it apply to Houghton and Marquette counties.

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*An act to provide for the punishment of persons responsible for or contributing to the delinquency of children.*

[Public acts, 1907; No. 314.]

(*Penalty.*) Any parent, custodian, or other person responsible for, or contributing to, a child's delinquency, shall be guilty of a misdemeanor, punishable by fine not exceeding \$100 or imprisonment not exceeding ninety days, or by both; but, upon conditions imposed, the court may suspend sentence.

### MINNESOTA

The juvenile court (for certain counties) was established by ch. 285 of 1905. An act directed against contributors was passed in 1907.

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*An act relating to dependent, neglected, and delinquent children.*

[L. 1905, ch. 285.]

SECTION 1. (*Age limit. Definitions. Limitation of evidence.*) Act applies only to children under 17. [For definition of "'dependent child' and 'neglected child,'" see Ohio, act of 1902 (and amended in 1904), sec. 2, ¶ 2, *infra*.]

"Delinquent child" includes any under 17 who violates a state law or municipal ordinance, or is incorrigible. [Finishing this definition and thence to the end of the section, see Illinois, juvenile court law, in sec. 1, *supra*.]

SECS. 2, 3.<sup>1</sup> (*Jurisdiction. Juvenile court. Jury.*) In each county of over 50,000<sup>2</sup> the district court shall have original and exclusive jurisdiction, and one or more of its judges shall be designated to hear all cases. A special court room shall be provided, and record kept. Any person interested may demand a jury; or a judge may order one.

SEC. 4. (*Petition.*) The proceedings begin by a petition.

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<sup>13</sup> Subsequently amended. See note 6. As so amended, reads thus: "All acts or parts of acts inconsistent herewith whether local or general are hereby repealed."

<sup>14</sup> Of No. 325 of the Public Acts of 1907, sec. 9. (order of support) is presumably still in force.

<sup>15</sup> See note 13 that this section as amended no longer excepts this court, but reads "whether local or general."

<sup>1</sup> Sec. 3 has been subsequently amended. See L. 1909, ch. 418. Moreover, as the amendment of 1909 is explicit, and in no way refers to an earlier amendment, ch. 394 of 1907,—it is assumed that the amendment of 1907 has been repealed by implication (or superseded).

<sup>2</sup> Hennepin, Ramsey, and St. Louis; containing, respectively, Minneapolis, St. Paul, and Duluth.

As to counties under 50,000, see L. 1909, ch. 232, "An Act for the appointment of guardians for dependent, neglected and delinquent children and for the proceeding against persons at fault for such dependency, neglect or delinquency."

## A SUMMARY OF JUVENILE COURT LAWS

### MINNESOTA

SEC. 5.<sup>3</sup> (*Summons. Hearing.*) [See Wisconsin, section 573-5, subd's 1—2, through the words "custodian or child," *infra*.]

The court shall hear and dispose of the case summarily. Meanwhile the child may be retained by his custodian, or suitably kept by city or county authorities.

[Children under 14 shall not be sent to jail pending trial. One under 16, chargeable with any crime, shall not be confined with adult prisoners. The public is excluded from his trial. Rev. Laws, 1905, sections 5502, 5503.]

(*Detention house.*) The county may, with the approval of the district court judges, erect and maintain a detention house. Both matron and superintendent shall be probation officers of the juvenile court.

SEC. 6. (*Probation officers.*) The court may appoint probation officers. They shall make investigations required, whether before or after trial, and shall assist the judge, take charge of children, keep records, and make reports, as the court may direct.

(*Probation officers.*) In all matters covered by this act, probation officers appointed under ch. 154 of 1899 and amendments<sup>4</sup> shall be subject to the orders of [this] court.

Probation officers appointed under this act shall serve unpaid,<sup>5</sup> save only that a majority of the judges may direct the payment of duly approved salary.

SEC. 7. (*Dependent children.*) Any dependent or neglected child under 17 may be committed to some suitable state institution or individual or association.

SEC. 8. (*Guardianship. Adoption.*) [See Ohio, *ibid.*, sec. 8. Add a proviso.]

SEC. 9. (*Disposition of delinquent child.*) [As amended by L. 1909, ch. 204. See Ohio, *ibid.*, sec. 9. Omit the limitation "within the county." For "minority," read 21. Omit the note. Add that in the district court's discretion any delinquent child may be prosecuted criminally.]

SEC. 10. (*Order of support.*) Appropriate support orders may be entered against parents and duly enforced.

SEC. 11. [Supervision, by state board of control, of associations receiving children under this act. See Indiana, L. 1903, ch. 237 (amended), secs. "8, 9," ¶ 1, *supra*. The scope of the Minnesota section does not include "individuals."]

SEC. 12. [Disposition of child by agreement. See Ohio, *ibid.*, sec. 7.]

SEC. 13. (*Religion of parents.*) Commitments shall conform as far as practicable to religious faith of parents.

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<sup>3</sup> An amendment, by ch. 172 of 1907, is represented in this section.

<sup>4</sup> These laws (including ch. 342 of 1907 and ch. 426 of 1909) provide that in every county of over 50,000 population the district judges shall appoint a paid probation officer; who may appoint one or more deputies [paid, in counties of 100,000 population], subject to the judges' approval. The term of service shall be four years.

Officer (or deputy) shall attend the municipal or district court when a minor is brought in for trial, and the probate court on the question of a minor's committal to a state institution. He shall be responsible [in certain cases] for the transportation of children committed. He shall represent minors in court, investigate and oversee cases, and carry out the court's directions. Neglect of duty shall subject him to a forfeiture of \$200.

(*Stay of sentence.*) The execution of the sentence of a minor, in any court of record in a county of over 50,000 population, may be stayed by the judge; conditioned upon the good behavior of the defendant, who may be committed to the probation officer or returned to his natural guardian subject to the officer's supervision.

<sup>5</sup> Cf. note 4.

## JUVENILE COURT LAWS SUMMARIZED

### MISSISSIPPI

SECS. 14, 15. (*Construction of act.*) [See Indiana, *ibid.*, secs. "10-12," *supra*.]

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*An act to provide for punishment of persons responsible for, or contributing to, delinquency [etc.] of children under 17.*

[L. 1907, ch. 92.]

SEC. 1. (*Misdemeanor.*) Any parent, custodian, or other person contributing to, or responsible for, a child's delinquency, dependency, or neglect (as defined by L. 1905, ch. 285, sec. 1), shall be guilty of a misdemeanor. During compliance with conditions imposed sentence may be suspended.

SECS. 2,<sup>6</sup> 3. The several juvenile courts, established under L. 1905, ch. 285, shall have "concurrent jurisdiction" of these offenses.<sup>7</sup>

### MISSISSIPPI

[*Probably no Juvenile Court legislation, through 1909.*]

### MISSOURI

Probation applicable to children under 16 in cities of 350,000 was established in 1901, but the enactment (L. 1901, p. 135) was repealed and superseded by the first juvenile court act of Missouri. (L. 1903, p. 213.)

The act of 1903 was originally applicable to counties of 150,000 and over, but was repealed, as to counties under 500,000, by sec. 24 of the act of 1905, whose scope includes all counties of 150,000 to 499, 999.<sup>1</sup>

The act of 1903<sup>2</sup> has therefore been left applicable only to the city of St. Louis (in this regard legally reckoned as a county).

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<sup>6</sup> Sec. 2 has been subsequently amended (amplified). See L. 1909, ch. 305.

<sup>7</sup> Are these offenses limited, excepting so far as they have been extended or supplemented by L. 1909, ch. 232, noted *supra*, (and possibly by L. 1909, ch. 305, here noted),—to counties of over 50,000?

<sup>1</sup> Jackson county, which includes Kansas City (a city of the first class).

<sup>2</sup> This act of 1903 (*as affected by the act of 1905*), under L. 1909, p. 423 (see *infra*), according to sec. 25 of the act of 1909, purports to have been "repealed." Moreover, sec. 2 of the later act contains a provision reckoning the city of St. Louis as a county, and a provision referring to counties of 500,000. But sec. 25a of the act of 1909 provides that "Nothing in this act shall apply to any county which now contains or which may hereafter contain a city of the first or second class" (that is, a city (or town) of 30,000 or over), so that it may be that the jurisdiction of the juvenile court of the city of St. Louis has not been affected (nor said court otherwise affected) by the 1909 act. And sec. 25 is so qualified by sec. 25a as to leave no county for the repealing clause (purporting to repeal the act of 1903) to apply in, except counties having a population of 500,000 and yet having no city (or town) of 30,000,—a combination not likely to have occurred or to occur. (It is assumed that the city of St. Louis is within the purview of said sec. 25a; that is, that the city of St. Louis is "a separate territorial division of the state," to be treated (at least, in this connection) as a county. Cf. provisions, as to the status of the city of St. Louis, in the first part of said act of 1903, and in a memorandum on the said act of 1909.—*infra*.)

## A SUMMARY OF JUVENILE COURT LAWS

### MISSOURI

[JUVENILE COURT OF THE CITY OF ST. LOUIS.<sup>2</sup>

(A city of the first class.)]

*An act as to neglected and delinquent children.*

[L. 1903, p. 213.<sup>3</sup>]

SECTION 1. (*Age limit.*) Act applies only to children under 16 (not in any state or Missouri-incorporated institution, or training or industrial school); but jurisdiction once acquired shall continue until majority.

(*Neglected child. Delinquent child.*) "Neglected child" means any under 16, destitute, homeless, abandoned, or a public charge, or who habitually begs or receives alms, is found with any vicious or disreputable person, or is suffering from the cruelty or depravity of parent or other custodian. "Delinquent child" includes any under 16 violating a state law or city ordinance.

SECS. 2-3. (*Jurisdiction. Juvenile court.*) In each county of [500,000<sup>3</sup>] the circuit court shall have original jurisdiction, and the judges shall designate one of their number to hear all juvenile cases. ("The city of St. Louis shall be deemed to be a county within the meaning of this act.") There shall be a juvenile court room and record. Criminal practice and procedure, when applicable, shall prevail. Anyone interested may demand a jury.

SECS. 4, 5. (*Neglected child. Petition. Summons.*) In the case of a neglected child, after petition filed, both child and custodian shall be summoned to appear. The parents, or guardian, or a relative, shall be notified, and some suitable person or association may be appointed to act in the child's behalf. If no one is in charge of the child the sheriff may bring him in.

(*Hearing. Judgment. Costs.*) The court shall hear the case summarily. Upon a finding of "neglected child," judgment shall be entered accordingly. Costs may be adjudged against the petitioner or any person so summoned or appearing. Pending proceedings a child may stay with his custodian or be otherwise suitably detained.

SEC. 6. (*Probation officer.*) The probation officer shall be appointed by the [circuit] court. He shall investigate and take charge of the child and assist the court, as required, and represent the child at the hearing.

SEC. 7. (*Commitment.*) Any neglected child under 16 may be committed to a suitable individual or association.

SEC. 8. (*Children arrested taken before juvenile court. Transfers.*) If a child under 16, arrested with or without warrant, be taken before a justice or any other court, having jurisdiction of the offense, the case shall be transferred to the juvenile court. (In place of a warrant for such arrest, a summons may issue.)

SEC. 9. (*Suspension or remission of sentence.*) All punishments of and penalties as to delinquent children shall rest in the judge's discretion, and he may suspend or remit any sentence.

SEC. 10. (*No child under 16 to go to jail. Separation of juvenile delinquents from adult convicts.*) A child under 16 shall not be committed to jail or police station, but lacking bail may be suitably detained elsewhere, or sent to an association for neglected children. No delinquent child sentenced to any institution containing adult convicts shall be confined in the same building or permitted any intercourse whatever with them.

<sup>2</sup> (See note 2 on page 57.)

<sup>3</sup> See the act of 1905, secs. 24-25 (sec. 24), *infra*.

## JUVENILE COURT LAWS SUMMARIZED

### MISSOURI

SECS. 11, 12. (*Paid probation officers and assistants.*) The probation officer (paid) may appoint one or more deputies (paid) of either sex, subject to the circuit court's approval.

(*Cooperation of other officers.*) A probation officer may bring in his probationer at any time, with or without a warrant. State or city attorneys shall do what they may to aid probation officers; and an officer or constable making an arrest shall fully inform the probation officer about the child and his parents and others interested, and about the charge supporting the arrest.

SEC. 13. (*Placement of delinquent children.*) [See Ohio, the act of 1902, sec. 9, through the words "in such a home;" *infra*.] Committal to a suitable institution is authorized.

SECS. 14-16. (*Status of child committed.*) Unless otherwise ordered, a child shall become a ward of the association or individual in charge of him.

(*Child-helping associations. Children may be withdrawn.*) The juvenile court may secure requisite information from associations desiring commitments under this act; and they shall report annually to the state board of charities and corrections. The court may at any time withdraw a child, whether from association or from individual.

(*Religion of parents.*) Commitments shall conform, as far as practicable, to religious belief of parents.

SEC. 17. (*Appeal.*) From any final order of commitment the child may appeal; and if a proper bond with sureties in not more than \$500 be given, the appeal shall act as a supersedeas; or the allowance of the appeal shall so act on compliance with an order dispensing with the bond.

SEC. 18. [Law of certain institutions not affected.]

SEC. 19. (*Order for support.*) Appropriate support orders may be entered and enforced by execution.

SECS. 20-22. [Repeal of the act of 1901, referred to, *supra*. General repeal clause.]

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*An act <sup>4</sup> as to neglected and delinquent children in counties of 150,000 to 499,999.*

[L. 1905, p. 56.<sup>4</sup>]

SECTION 1. (*Age limit. For very grave crimes punishment may extend beyond majority.*) Act applies only to children under 17<sup>5</sup> not in any state institution or in any Missouri-incorporated institution for delinquent children: *Provided*, That jurisdiction once acquired shall continue until majority; but nothing in this act shall prevent the juvenile court from inflicting a punishment extending beyond majority for a crime

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<sup>4</sup> This act of 1905, under L. 1909, p. 423 (see *infra*), according to sec. 25 thereof, purports to have been "repealed." (One may assume that the approval date of the 1905 act, recited in 1909 as Apr. 18, 1905, was inadvertence for Apr. 8, 1905.) But owing to sec. 25a of the act of 1909 (see note 2, *supra*), it may be that the jurisdiction of the juvenile court of the county including the city of Kansas City has not been affected (nor said court otherwise affected) by the 1909 act. And sec. 25 is so qualified by sec. 25a as to leave no county for the repealing clause (purporting to repeal the act of 1905) to apply in, except counties having a population of 150,000 to 499,999, and yet having no city (or town) of 30,000,—if there be any such counties.

<sup>5</sup> One year beyond the *St. Louis* law.

## A SUMMARY OF JUVENILE COURT LAWS

### MISSOURI

punishable, under Missouri statutes, if committed by one over 18, by death<sup>8</sup> or not less than ten years' imprisonment.<sup>9</sup>

(*Neglected child. Delinquent child; including limitation of evidence.*) [For the definition of "neglected child," see (except the age limit) in sec. 1 of the *St. Louis* act, *supra*. For definition of "delinquent child," etc., see Colorado, L. 1903, ch. 85, sec. 1, ¶ 2 and ¶ 3, *supra*.]

SEC. 2. (*Jurisdiction. Juvenile court.*) Of counties of 150,000 to 499,999 the circuit courts shall have original jurisdiction, and biennially [for each of] such counties the [appropriate] circuit judges shall designate one of their number for the hearing of cases. [From here, see secs. "2-3" of the *St. Louis* act, from "There shall be", *supra*.]

SECS. 3-6. [Petition—Summons—Commitment—Transfers to juvenile court. See said act, sections 4, 5, 7, 8, duly extending age limit and omitting last sentence of sec. 8.]

SEC. 7. (*Delinquent child.*) Upon information alleging delinquency, a summons or warrant may issue.

SEC. 8. (*Jurisdiction. Suspension or remission of sentence.*) Nothing herein shall deprive a magistrate of his power to file complaints and issue warrants for the arrest of children under 17; but all subsequent proceedings take place in the juvenile court. Punishments and penalties for said delinquent children shall rest in its discretion, and it may suspend or remit any sentence.

SEC. 9. (*Probation officer.*) [Section similar to sec. 6 of the *St. Louis* act. The appointing power is "the judge of the juvenile court." Officers are specifically vested with a sheriff's authority to make arrests, etc.]

SECS. 10, 11. (*Deputies. Salaries and expenses.*) The probation officer may appoint one or more deputies of either sex, subject to the court's approval. The probation officer shall receive a [stated] salary. The court prescribes the salaries of each deputy.

SEC. 12. (*Places of detention.*) The county shall provide, through the "dram-shop" or other available fund, a place outside of jail or police station for the detention<sup>1</sup> (and education) of children within this act, and for probation offices.

SEC. 13. (*Commitment of juvenile delinquents.*) [See *St. Louis* act, sec. 10, extending age limit. Under any circumstances to incarcerate in a common jail or lockup a child within the act of 1905, under 15, shall be a contempt of court.]

SECS. 14, 15. [Probation officers to have co-operation of other officers; etc. See *St. Louis* act, ¶2 of secs. "11, 12."]

SEC. 16. (*Placement of delinquent children.*) [See Ohio, the act of 1902, sec. 9, through the words "in such a home;" *infra*.] Or the child may be committed to the Missouri training school for boys or the state industrial school for girls, or to any Missouri-incorporated institution within the county, or to any state or county institution for children.

<sup>8</sup> And see L. 1909, p. 449, repealing sec. 2381 of the Revised Statutes of Missouri of 1899.

<sup>9</sup> See the slightly *later* act, L. 1905, p. 54: "An act to provide for . . . a place or places of detention for delinquent or dependent children" in counties of 150,000 to 499,999; repealing all acts inconsistent or in conflict therewith. (This act is *superseded in part* by L. 1909, p. 423, referred to both *supra* and *infra*. See especially sections 12, 25a.)

## JUVENILE COURT LAWS SUMMARIZED

### MISSOURI

SECS. 17-21, 23. [Status of commitments—Associations for children—Religious belief considered—Appeals—Order for support—Certain institutions. See *St. Louis* act, sections 14-17, 19, 18. But appeals may also be allowed from any “final judgment of delinquency or dependency;” and penal sums of appeal bonds are to be fixed by the court,—no maximum is named.]

SEC. 22. [Liberal construction of act. See Colorado, *ibid.*, secs. 11-13 (sec. 12).]

SECS. 24-25. [Repeal of the act of 1903 (*St. Louis* act), so far as applicable to counties of less than 500,000.]

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*An act<sup>8</sup> as to neglected and delinquent children in counties of 100,000 to 149,999.<sup>9</sup>*

(L. 1907, p. 217.)

(*Jurisdiction.*) This act is similar to the act of 1905,<sup>10</sup> *supra*; but the provision in section 2 of the later act, that the criminal courts shall have original jurisdiction of all cases, is an important variation.

(*Probation officer.*) In the 1907 act section 9 provides that in counties containing a regularly organized humane society the humane officer may act as probation officer; and section 10 provides that deputy probation officers shall serve without pay.

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#### CONTRIBUTING TO JUVENILE DELINQUENCY, A MISDEMEANOR

(*Penalty.*) In L. 1907, at p. 231, it is provided that whoever shall be responsible for or shall contribute to a child’s delinquency, shall be guilty of a misdemeanor, punishable by fine of not more than \$500, or imprisonment for not more than six months, or both. During satisfactory compliance with conditions imposed, sentence may be suspended.

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[MEMORANDUM ON THE ACT OF 1909, pp. 423-431, ALREADY REFERRED TO]

This act (approved June 12) is described [in part] as “AN ACT to regulate the treatment and control of neglected and delinquent children, and to provide the necessary places of detention therefor; and to establish juvenile courts in counties having a population of fifty thousand inhabitants and over, and to define the jurisdiction<sup>11</sup> of

<sup>8</sup> This act has been subsequently amended. See L. 1909, p. 422. It appears to have been superseded in part (that is, superseded in each county, of 100,000 to 149,999, containing no city or town of at least 30,000,—if there be any such counties), by L. 1909, p. 423. See especially sections 2 and 25a of said act of 1909. (This act is referred to both *supra* and *infra*.)

<sup>9</sup> Buchanan, which includes the city of St. Joseph (a city of the first class). That cities and towns within certain limits of population may elect to become cities of the first class, see L. 1909, p. 142, sec. 2.

<sup>10</sup> See note 6, *supra*.

<sup>11</sup> See note 6, *supra*.

## A SUMMARY OF JUVENILE COURT LAWS

### MONTANA

such juvenile courts" over juveniles. [Etc.] The act has provisions that the circuit courts exercising jurisdiction in counties of 50,000 or more shall have original jurisdiction of all cases within the act; and that for the purposes of the act, the city of St. Louis shall be considered a county. There is a proviso (as to a clerk) referring to counties of 500,000 or over. Sections 25 and 25a, and the relation of sec. 25 to the acts of 1903 and 1905, have already been referred to.

Apparently, a county may have a population attaining 99,999, but, if it contain a city of 30,000, this class of legislation is inapplicable to such county. It has not the minimum population required by the act of 1907; and said sec. 25a appears to exclude it from the operation of the act of 1909.

### MONTANA

(*Jurisdiction.*) By ch. 92 of 1907 the district courts in the several counties were vested with original jurisdiction in cases of dependent and neglected children under 17, and of certain contributors to the dependency or "delinquency"<sup>1</sup> of such children.

For the first half of the act, and more, it resembles in many respects ch. 168 of the Colorado<sup>2</sup> laws of 1907, *supra*.

("*Juvenile cases.*") Montana makes no reference in terms to *juvenile courts*, but does refer to "juvenile cases." No specific provision for appeals is found in the Montana statute.

(*Misdemeanor to contribute to dependency or delinquency. Penalty. Bond. Monthly payment.*) The act contains provisions relating to the penalizing (by fine of not more than \$600 or imprisonment for not more than nine months, or by both) of certain contributors to such children's dependency, "delinquency," or neglect. For suspension of sentence, for bond, etc., see Colorado, L. 1905, ch. 81, secs. 2-5, *supra*. (Maximum of bond, and of monthly payment, much larger than in Colorado.)

(*Justices and police magistrates.*) In sections 14-15 of the act are provisions as to nonrepeal, and for certain jurisdiction of justices and police magistrates, with a prohibition of jail detention of children.

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Montana also passed an act in 1907 concerning delinquent children under 17, and penalizing any of certain persons who shall contribute to or permit such delinquency.<sup>3</sup> (Ch. 126.)

For the first half of the act, and more, it resembles ch. 85 of the Colorado laws of 1903, *supra*.

(*Jurisdiction.*) There appears to be no exemption of children who are inmates of certain classes of institutions. Jurisdiction is vested in the district courts of the several counties. While no specific reference to *juvenile courts* is found, the act provides for "the juvenile record" and "the juvenile docket."

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<sup>1</sup> As to contributors to juvenile *delinquency*, cf. ch. 126, *infra*.

<sup>2</sup> It antedated said Colorado law by a few weeks.

<sup>3</sup> See also ch. 92, *supra*.

## JUVENILE COURT LAWS SUMMARIZED

### NEBRASKA

No provisions in the Montana act appear to be limited in their application to certain counties, reckoned by class or population.

(*Probation officers.*) The district courts of the several counties may appoint the sheriff, or deputy, or any constable of the county, probation officer, unpaid.

(*Justices and police magistrates.*) Sections 6 and 10 contain provisions for certain jurisdiction of justices of the peace and police magistrates, with a prohibition of jail detention of children under 15; and in section 11 are provisions as to non-repeal.

(*Misdemeanor to contribute to, or permit, juvenile violations of law, etc. Penalty.*) The act contains provisions relating to the penalizing of any of certain persons who shall wilfully contribute to cause, or, through certain negligence, shall cause or permit, a child under 17 to violate any (Montana) law or city ordinance; or to be, or become, incorrigible, etc. (The list is detailed at length, and follows, though not absolutely, section 1 of the act, which section in turn is similar to Colorado, *ibid.*, sec. 1, ¶ 2.) The punishment for any of these misdemeanors is a fine of not more than \$1,000, or imprisonment for not more than nine months, or both.

(*Suspension of sentence. Bond. Forfeiture. Judgment on bond. Application of bond collections.*) Sentence may be suspended, under a bond in not more than \$3,000, upon conditions. Should the defendant comply, he shall be considered on probation. (And for sections 15-16, see Colorado, L. 1905, ch. 81, secs. 2-5, from the words "should he fail to comply," *supra*.)

### NEBRASKA

[COMPILED STATUTES, 1905.

Ch. 20. Art. II.]

[Sections 1-19. *An act as to dependent, neglected, and delinquent children.*

(L. 1905, ch. 59.) As amended by L. 1907, ch. 45.]

SECTION 1. Act shall apply only to minors; but shall not apply to children in an institution, or training or industrial school, unless they shall have been placed therein hereunder.

(*Definitions.*) [For "dependent child" and "neglected child," see Ohio, the act of 1902 (and amended in 1904), definition of "neglected child" in sec. 2, *infra*; extending age limit two years.

(*Jurisdiction.*) For "delinquent child," see Colorado, L. 1903, ch. 85, sec. 1, ¶ 2, *supra*; reading 18 for "17." Nebraska includes also *habitual truants*.]

SEC. 2. The district court of the several counties shall have original jurisdiction in all cases within this act. The county court shall have concurrent jurisdiction therewith, but only in the absence of the district judiciary from the county. Over a proceeding begun in the county court its jurisdiction shall continue until final disposition of the case; but there is an appeal to the district court. In the trial of a delinquent child charged with crime, a jury may be demanded; or the judge may order one.

In cities of 40,000<sup>1</sup> and over, the police judge shall have jurisdiction concurrent with the county judge.

SEC. 3. (*Juvenile court.*) In counties of over 40,000,<sup>2</sup> the district court

<sup>1</sup> Omaha and Lincoln.

<sup>2</sup> Douglas and Lancaster.

## A SUMMARY OF JUVENILE COURT LAWS

### NEBRASKA

judges shall designate one or more of their number to hear all cases hereunder, in a special court room—court findings to be entered in the juvenile record.

SEC. 4. (*Petition.*) Any reputable person knowing of a child in his county apparently neglected, dependent, or delinquent, may file a petition.

SEC. 5. (*Summons. Notification. Warrant. Hearing.*) See Wisconsin, sec. 573-5, subsd's 1-2, *infra*.

(*Detention homes.*) Pending final disposition of a case, the child may be retained in the possession of his custodian or otherwise suitably detained. [By ch. 46 of 1907 county boards are authorized to make appropriations for the establishment and maintenance of detention homes in connection with the juvenile court.]

SEC. 6. (*Probation officers.*) The judge may appoint two or more probation officers (one of them a woman), unpaid; save that in counties of 50,000<sup>2</sup> or upwards the chief and two assistant probation officers shall be paid.

The officer shall investigate cases, assist the court, represent the child at the trial, and take charge of him before and after.

SEC. 7. (*Commitment.*) Any delinquent, dependent, or neglected child under 18 may be committed to some suitable institution or individual, or to some duly accredited association for dependent or neglected children. Cases under 16 may be sent to a state industrial school.

SEC. 8. (*Placing out. Adoption. Guardianship of person.* [See Colorado, L. 1907, ch. 168, sec. 8, ¶1, *supra*; striking out "dependent."])

An association or individual receiving "any such child" [a child awarded by the court under this act?] shall be subject to visitation by the state board of charities and correction, or by any probation officer or court appointee for the purpose, and the court may at any time require a report in the matter. The court's jurisdiction shall continue over any child brought before it, or committed under this act; and a change in the custody or care of the child may be ordered at any time in his interest.

SEC. 9. (*Delinquent, neglected, and dependent children.*) [See Ohio, *ibid.*, sec. 9, through the words "in such a home"; *infra*. Include neglected and dependent as well as delinquent children.]

(*Commitment.*) Or the court may commit the child, if under 16, to the state industrial school for boys or the state industrial school for girls; or may commit the child to any accredited institution in the county for delinquent children. In no case shall a child be confined after reaching majority. The managers of an institution may parole a child committed to it; and the court may discharge him whenever it considers his reformation complete, or may send him to some duly accredited association for neglected or dependent children.

SEC. 10. (*Transfers from justices and police magistrates.*) [See Illinois, juvenile court law, sec. 10,<sup>3</sup> *supra*. The Nebraska section (10) is limited to children under 16.]

SEC. 11. (*Jail commitment prohibited.*) No child under 14 shall be committed to jail or police station; in default of bail he shall be suitably detained elsewhere. No child under 16 shall be confined in the same building or inclosure with adult convicts, or brought where they may be present.

<sup>2</sup> Douglas and Lancaster.

<sup>3</sup> In applying sec. 10 to Nebraska, substitute, for "section 3," the Nebraska sec. 3.

## JUVENILE COURT LAWS SUMMARIZED

### NEVADA

SEC. 12. (*Agents of juvenile reformatories.*) The state industrial school for boys, at Kearney, the girls' industrial school, at Geneva, and other institutions to which delinquent, neglected, or dependent children may be committed by the court, shall each maintain an agent to supervise paroled children and report as to their homes; and to help children paroled or discharged to find employment.

SEC. 13. [Supervision by state board of charities and corrections. See Illinois, *ibid.*, sec. 13. *Omit the note.*]

SEC. 14. [Surrender of dependent children—Adoption. See Ohio, *ibid.*, sec. 7. In Nebraska the child-helping organization may be a corporation under the laws of any state.]

SEC. 15. (*Religious preference.*) So far as practicable, children shall be committed to some individual or association holding the same religious tenets as those of the child's parents.

SEC. 16. [Industrial schools not affected.]

SEC. 17. [Construction. See Indiana, L. 1903, ch. 237 (amended), secs. "10-12" (sec. 10), *supra*.]

SEC. 18. [Appointment of county boards of visitors.]

SEC. 19. [Repeal—Limitation.]

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[SECTIONS 20-21. *An act for the punishment of contributors to juvenile dependency or delinquency.* (L. 1905, ch. 195.)]

SEC. 20. (*Penalty.*) Any parent, custodian, or other person responsible for, or contributing to, a child's delinquency or dependency, shall be guilty of a misdemeanor, punishable by fine not exceeding \$500, or imprisonment not exceeding six months, or both.

[For the rest of this section, see Indiana, L. 1905, ch. 145 (amended), sec. 3, from the words "The court may suspend sentence provisionally," *supra*.]

SEC. 21. (*Jurisdiction.*) The district and county courts shall have concurrent jurisdiction hereunder. In counties of more than 50,000 county courts shall not exercise jurisdiction save in the district judge's absence from the county.

### NEVADA

L. 1909, ch. 180 (pp. 229-241), is a juvenile court act ("Juvenile Department of the District Court"), applicable, in most respects, throughout the state, to children delinquent, dependent or neglected. (Boys under 17, girls under 18.) There are provisions for probation officers, both paid and unpaid; and sections relating to adoption, and to "Contempt of Court." Special houses, wherein children within the act may be detained for attendance or disciplinary purposes, are prescribed, for counties of over 15,000.

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L. 1909, ch. 165, is a penal act directed against contributors to dependency or delinquency of children. Suspension of sentence is provided for. To find a person guilty it need only appear that "through any act of neglect or omission of duty or by

## A SUMMARY OF JUVENILE COURT LAWS

### NEW HAMPSHIRE

any improper act or conduct," on his part, "the dependency or delinquency . . . may have been caused or merely encouraged." The prosecution of such cases appears not to emanate necessarily from the juvenile department of the district court.

### NEW HAMPSHIRE

*An act as to dependent, neglected, and delinquent children, and providing for the appointment of probation officers.*

[L. 1907; ch. 125.]

SECTION 1. (*Dependent child. Delinquent child.*) Applies only to children under 17. [For definitions of "dependent child" and "delinquent child," see Ohio, the act of 1902 (and amended in 1904), "Neglected child" and "Delinquent child" in sec. 2, *infra*. Omit the *begging and music* clause. For "16" read 17.]

SECS. 2, 3. (*Jurisdiction. Session for children.*) Police and justice courts shall have original jurisdiction. The session for juvenile offenders and dependent or delinquent children shall be separate in time, and so far as practicable in place, from that for criminal trials, and a separate docket shall be kept. No minor shall attend a hearing unless his presence is necessary. No newspaper shall publish any proceeding "of any juvenile court."

SEC. 4. (*Petition.*) The procedure begins by petition.

SEC. 5. [Summons or notice.—Warrant. See Wisconsin, section 573-5, subdivisions 1, 2, through the words "custodian or child," *infra*.]

(*Hearing.*) The court shall hear and dispose of the case summarily, and pending its final disposition the child may be kept under sufficient restraint.

SECS. 6-9. (*Probation officers. Duties.*) Each police court justice shall, the justice of any other court may, appoint a probation officer. In his official duties an officer shall have full police powers. He shall keep full records and shall inquire into all criminal cases within his province. He may recommend probation for persons convicted, and they may be placed in his care.

SECS. 10-12. [Probation officers to report to state board—Compensation—Superior court cases.]

SEC. 13. Any dependent or neglected child under 17 may be committed to some suitable individual or association.

SECS. 14-15. (*Guardianship. Disposition of delinquent child.*) [See Ohio, *ibid.*, sec. 8; and sec. 9, through the words, "in such a home."]

(*Pending criminal proceedings.*) A child charged with violation of a law of the state, and found deserving of punishment, may be bound over to the superior court, and in default of bonds may be committed to the state industrial school pending his case.

SEC. 16. A child under 17 shall not be committed to jail or police station, but in default of bail may be kept under sufficient restraint. He shall not be sentenced to confinement with adult convicts.

SEC. 17. [Commitments to conform to religious faith of parents.]

SEC. 18. [No repeal of criminal law, nor abridgment of superior court powers, or of appeal from inferior courts.]

SEC. 19. (*Construction of act.*) [See Indiana, L. 1903, ch. 237 (amended), secs. "10-12" (sec. 10), *supra*.]

SECS. 20-21. [An officer neglecting a duty, to forfeit \$200 for each offense.]

## JUVENILE COURT LAWS SUMMARIZED

### NEW JERSEY

#### NEW JERSEY

Probation for persons convicted of crime (no age limit specified), was established in New Jersey by L. 1900, ch. 102; but this act was repealed (and superseded?) in 1906.<sup>1</sup>

The juvenile court act was approved April 8, 1903 (ch. 219). In 1905 it was made a misdemeanor wilfully to contribute to a juvenile's delinquency. The detention school act followed in 1906.

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#### *An act establishing a court for the trial of juvenile offenders.<sup>2</sup>*

[L. 1903, ch. 219. As amended by L. 1908, ch. 236.]

SECTION 1. (*Prisoners under 16 committed to jail or paroled to await trial. Proviso.*) An arrested child under 16 charged with any crime (except murder or manslaughter), or with being a disorderly person, or habitually vagrant, or incorrigible, may be committed to jail or paroled to await trial, and the complaint sent to the court for the trial of juvenile offenders. (Act not applicable where two or more are jointly charged with crime, and one of them is over 16.)

SEC. 2. (*Juvenile court. Limited admissibility of certain evidence.*) (Amendment of 1908.) The judge of the court of common pleas "of each and every county" shall constitute a court for the trial of juvenile offenders. Neither the record nor the fact of conviction shall be shown in any proceeding, civil or criminal, except during a defendant's probationary period, "or in a subsequent criminal action in any of the said juvenile courts."

SEC. 3. (*Prosecutor's duty. Rights of defendant.*) Upon the judge's receipt of the complaint the [public] prosecutor shall prefer a charge in writing, to which the child shall plead in court; but before pleading shall be advised of his right to be charged by the grand jury, and to have a trial by jury.

SEC. 4. (*Notice to parent or guardian. Interim disposition of child. Grand jury.*) The court shall fix an early day for the trial, shall have the parent or guardian notified, when necessary shall assign counsel to, and pending the hearing may make suitable disposition of, the child; or, refusing to hear the charge, may send the complaint to the grand jury.

SEC. 5. [Service of notice.]

SEC. 6. (*Trial.*) The court shall adjudge the child's "guilt or innocence"; the procedure shall follow that in the court of quarter sessions.

SEC. 7. (*Judgment. Commitment of offenders. Probation. Jury.*) If the case be adjudged a juvenile delinquent, he may be committed to the state home for boys or the state home for girls; or to any public institution for juvenile offenders; or the court may suspend sentence; or may do this and place the offender on probation; or may impose imprisonment or fine, or both: *Provided*, Where the offense charged

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<sup>1</sup> See note in text, substituted for sec. 8 of the act of 1903, *infra*.

<sup>2</sup> And for "An Act respecting juvenile offenders" under 18, authorizing courts of quarter sessions, or of special sessions, to commit them to public county or municipal institutions for juvenile offenders, or to make other lawful disposition thereof, see L. 1900, ch. 183.

## A SUMMARY OF JUVENILE COURT LAWS

### NEW JERSEY

is a crime, a child under 16 may be charged by a grand jury, or have a trial by jury, if he so demands at any time before trial.

#### SEC. 8. *Note thereon.*

(*Probation officers act of 1906. Probation.*)

[The probation officers act of 1900, in said sec. 8 referred to, repealed by ch. 74 of 1906, was superseded (?) by ch. 75,—“An Act to provide for the appointment of probation officers and to define their duties and powers.” The latter does not specifically refer to the juvenile court, but § 7 provides that whenever any person shall be released on probation “by any magistrate,” the probation officer shall have all the powers and duties conferred and imposed upon him “by this act” with reference to offenders released on probation by the court of quarter sessions; and that such probationer shall be subject to the probation rules and regulations established by said court. *See also L. 1906, ch's 76 and 78.*]

SECS. 9-10. [Repeal.]

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#### *A supplement to the above act.*

[L. 1905; ch. 160.]

SECS. 1-2. (*Contributors to juvenile delinquency. Penalty.*) In all cases of juvenile delinquency the parent, or any other person wilfully responsible therefor, or by any continued negligence or wilful act contributing thereto, shall be guilty of a misdemeanor punishable by fine of not more than \$100, or by imprisonment for not more than six months, or by both. Sentence may be suspended during compliance with conditions imposed

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#### *An act to establish schools of detention.*

[L. 1906, ch. 37. As amended by ch. 307 of 1908.]

SECS. 1,<sup>8</sup> 2. (*How established. Managers.*) The board of chosen freeholders, or the commissioners, of any county where a juvenile court is, or may hereafter be established, may provide, if the judge of the juvenile court consents and approves, a school of detention for dependent and delinquent children under 16 held in custody by direction of “any Court of Common Pleas of said County.” The general management shall be vested in the juvenile court judge [and three other officials]. Such schools shall receive also certain habitual truants and incorrigibles.

SEC. 3. [General provisions.]

SEC. 4. (*Records.*) The superintendent shall keep complete records and, upon demand, furnish the juvenile court with information.

(*Who may be held.*) All children under 16 arrested for any cause (except murder or manslaughter), and school children habitually truant or incorrigible, may, by order of the juvenile court, be here detained until final judgment.

SEC. 5. [Detention school bonds.]

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<sup>8</sup> Sec. 1 has been subsequently amended. See L. 1909, ch. 205.

## JUVENILE COURT LAWS SUMMARIZED

### NEW MEXICO

SEC. 6.<sup>4</sup> (*When child-helping institution may take place of house of detention.*) A county where commitments may be so few as not to warrant such "houses" of detention may, under certain judicial consent, arrange,<sup>4</sup> with any reputable corporation, in this state, for homeless, indigent, or neglected children (such corporation meeting conditions), for the board and care of children committed "by the said judge."<sup>4</sup>

[Sec. 6. (Numbering of 1906.) Repeater.]

### NEW MEXICO

[*Probably no Juvenile Court legislation, through 1909.*]

### NEW YORK

(*Separate hearing of juvenile cases throughout the state.*) In 1892 (ch. 217) it was provided that cases of children [under 16?] in any police court or court of special sessions might be heard separately from "other criminal" cases and a separate docket and record kept. In 1903 (ch. 331) this law was amended and added to, and it was provided that cases of children under 16 should, if practicable, be heard in a separate court room to be known as the children's court.<sup>1</sup>

Cf. the words "In Syracuse, where a separate Children's Court had already been established in 1905," on p. 670 of Vol. XXIII of *The Survey*, in "Juvenile Probation in New York," by Homer Folks.

(*Children's courts in Greater New York.*) The "children's court" of the city of New York, first division, established in 1901 as "a separate part" of the city magistrates' courts, by ch. 466, sec. 1399, was taken over, by the court of special sessions, as "a separate part," under L. 1902, ch. 590; and the children's court of the second division, borough of Brooklyn, was authorized by law in 1903 (ch. 159). The "first division" children's court is a branch of the court of special sessions of the city of New York, first division (the boroughs of the Bronx and Manhattan). The Brooklyn court is a branch of the court of special sessions of the city of New York, second division (the boroughs of Brooklyn, Queens, and Richmond).

(*Albany.*) By ch. 378 of 1903 the "session for juvenile offenders" (under 16) was established in the court of special sessions (recorder's court) of the city of Albany. And see L. 1908, ch. 241.

For Buffalo, and Rochester, see *infra*.

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<sup>4</sup> A subsequent amendment, by L. 1909, ch. 85, of this section, including a provision relating to the sending, to the appropriate public school, of the said children so committed, as one of the statutory conditions of the arrangement, need not be further set forth. (Nor does it militate against the statement, of the section, here made.)

<sup>1</sup> See New York. The Consolidated Laws (1909); *Penal Law* (chapter 40), sec. 487,—*infra*.

## A SUMMARY OF JUVENILE COURT LAWS

### NEW YORK

THE CHILDREN'S COURT OF THE CITY OF NEW YORK:—THE CHILDREN'S COURT, FIRST DIVISION, AND THE CHILDREN'S COURT, SECOND DIVISION, *BOROUGH OF BROOKLYN*

*An act to amend the Greater New York charter relative to inferior courts of criminal jurisdiction.<sup>2</sup>*

[L. 1903, ch. 159.]

SECTION 1. (*Charter, sec. 1405.*) Amending 1405 of said charter, as re-enacted by ch. 590 of 1902:

(*Court of special sessions.*) The court of special sessions of the city of New York is hereby continued, with the additional powers, duties, and jurisdiction contained in section 1419 [*infra*].

The successors of the justices of the two divisions thereof shall be appointed by the mayor for the term of ten years. [Provisions for the number of justices follow.]

SEC. 2. (*Charter, sec. 1418.*) Amending 1418 of said "act" [charter]:

(*Manhattan and the Bronx. Brooklyn.*) The justices of the first division shall<sup>3</sup> assign "a separate part," which shall be called the children's court [first division], and the second division justices shall in like manner establish the children's court, second division, *borough of Brooklyn*. The judges shall have all the powers, duties, and jurisdiction now possessed by the city magistrates respectively within said first division and said second division (save in the boroughs of Queens and Richmond), and shall have such other powers [etc.] as are hereinafter provided. Each court shall be held by one or more justices of special sessions of the respective divisions.

(*Transference to children's court.*) Every apprehended child under 16 ("unless jointly charged with one or more persons above that age")<sup>4</sup> shall be taken at the earliest opportunity before the children's court; and not before any city magistrate, except for bail purposes. A child inadvertently arraigned before a city magistrate shall be transferred to the children's court.

(*Brooklyn (?) probation officers.*) The [Brooklyn?] court may appoint not more than three probation officers.<sup>5</sup> They shall make investigation, assist the justices, and take charge of the child, as may be required, and represent the child in court.

(*Juvenile witnesses.*) [Each of the] said courts shall be held in a building separate from one used for criminal trials. The provisions of law as to temporary commitments of juvenile witnesses, in criminal cases, shall not be affected.

SEC. 3. [(*Charter, sec. 1419, amended in 1909.*) For said sec. 3 substitute L. 1909, ch. 566, amending 1419 of said charter:]

(*Court of special sessions. Jurisdiction.*) The court of special sessions of the first division, and that of the second division (save in the boroughs of Queens and Richmond), shall supersede the city magistrates<sup>6</sup> in said first and second divisions (save in Queens and Richmond), in the trial, determination and the disposition of

<sup>2</sup> This is the same title as that of ch. 590 of 1902, above referred to, and both acts relate mainly to the same sections of the charter,—1405, 1418, and 1419.

<sup>3</sup> This use of the future tense was presumably adopted from the act of 1902. The first division court was probably already in operation, in 1903.

<sup>4</sup> This limitation is probably no longer operative. A similar clause was recently omitted from 1419; see note, on p. 1612 of L. 1909, to ch. 566 of 1909. (For said ch. 566 see *infra*.)

<sup>5</sup> This limitation superseded by general provisions? See code criminal procedure (1909); sec. 11-a, *infra*.

<sup>6</sup> Cf. code crim. proc. (1909), sec. 147, ¶ 7.

## JUVENILE COURT LAWS SUMMARIZED

### NEW YORK

all cases concerning children under 16; and shall hear and adjudicate, in cases under 16, all charges of a criminal nature "of the grade of,"<sup>7</sup> or, under sec. 699 of the penal code,<sup>8</sup> "permitted to be tried as [...] misdemeanors," including all charges within the summary jurisdiction of magistrates,—and shall impose or suspend sentence or remit to probation. (Hearings and trials, "except as hereinafter provided," to be in a court room exclusively used for children's cases.)

(*Adjournment.*) The court [courts?] provided in sec. 1418 shall be open daily, except Sundays and legal holidays; and [at each?] a justice shall attend, who shall exercise, in the premises, all the powers and jurisdiction "now" conferred on city magistrates, and, unless an objection shall be duly interposed at or before the defendant is called upon to plead to a charge graded, or permitted by law, as a misdemeanor,—all the powers and jurisdiction of a court of special sessions. If objection be interposed thus, or thereafter if the court permits, the case shall be adjourned, for trial, "either in the same building or at the main court," before three justices.]

SECS. 4-6. [Fiscal provision for Brooklyn court.—Repeal.]

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#### THE BUFFALO CHILDREN'S COURT

Probation officers for children were provided, and juvenile probation was established, in Buffalo, by L. 1901, ch. 627 (an act which may be assumed to have been *subsequently repealed*, see L. 1909, ch. 570, sec. 120),—through additions to the city charter.

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*An act to establish the city court of Buffalo, defining its powers and jurisdiction and providing for its officers.*

[L. 1909, ch. 570.]

ARTICLE I. "Establishment of Court; its judges [a chief judge and five associate judges], Officers and Employees."

SECTIONS 1-16. (No sections 17-19.)

ARTICLE II. "Civil Jurisdiction and Procedure."

SECTIONS 20-56. (No sections 57-64.)

ARTICLE III. "Criminal Jurisdiction and Procedure."

SECTIONS 65-76. (No sections 77-84.)

(Sec. 76, "Appeals," provides that a judgment upon conviction, rendered by a judge sitting as a court of special sessions, children's court, or magistrate, may be [duly] reviewed by the county court.

If a new trial be ordered, it shall be had before a city court judge sitting as a

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<sup>7</sup> In view of the material amendment by L. 1909, ch. 478, referred to in the next note, the term *of the grade of misdemeanors*, as here employed, appears to be obsolete.

<sup>8</sup> "Superseded by" *Penal Law* (in The Consolidated Laws, 1909), sec. 2186, as amended by L. 1909, ch. 478,—*infra*.

## A SUMMARY OF JUVENILE COURT LAWS

### NEW YORK

magistrate, a court of special sessions, or a children's court, as the case may be,—but a judge other than the one sitting for the original trial.)

#### ARTICLE IV. *Children's Court.*

SECTION 85. (*Definitions.*) Child, in this act, means a person under 16; adult,—a person 16 "and" [or] over.

86. (*Separate court for children.*) There shall always be at least one separate part of the court designated as the children's court.

87. (*Place for court restricted.*) Said court shall be held in some building separate and apart from one used for criminal trials of adults; and not in a building containing, or adjoining, a morgue, hospital for adults, [or] prison or correctional institution for adults.

88. (*Detention home.*) The city shall provide a detention home<sup>9</sup> to which children "shall" be brought immediately after arrest,<sup>10</sup> wherein they may be detained as witnesses or defendants; and to which they may be committed after hearing or trial, for not over 30 days. No adult charged with an offense shall be detained therein or committed thereto.

89. (*Duty of officer arresting child ("having the child in charge").*) A child taken into custody shall be taken with all convenient speed to the children's court<sup>11</sup> if in session, otherwise to the detention home. (Unlawful for officer to take child to police station.)

90. (*Bail officials.*) In addition to the officers now authorized to take bail or recognizance for a child charged with an offense, the court may designate one or more of its employees who may take bail in such cases. The designation is revocable. So far as practicable, the chief judge, or the judge sitting at children's court, shall require that there shall be some person "so" authorized at the detention home, for bail (or recognizance) purposes, at all hours.

91. (*Jurisdiction.*) The children's court shall hear and adjudicate all charges, against children, "of the grade of,"<sup>12</sup> or under section 2186<sup>13</sup> of the penal law "permitted to be tried as, misdemeanors,"<sup>12</sup> and all charges coming within the summary jurisdiction of judges of the court; and "in" all cases where the court may commit children as provided by law.

92. (*Duty and power of the court. Suspension of trial. Commitment. Probation.*) Whenever a child is charged with an offense "of the grade of a misdemeanor,"<sup>14</sup> or under said section 2186 "permitted to be tried as a misdemeanor," the judge shall, "as far as is consistent with the interest of the child and of the state,"<sup>15</sup> consider the child not as upon trial for the commission of a crime but as in need of the care and protection of the state: and he may, if the child, or the parent, or any custodian, request, before proceeding with the trial, or [he may, in his discretion?] at any

<sup>9</sup> Cf. note 23.

<sup>10</sup> Cf. sec. 89.

<sup>11</sup> Cf. sec. 88.

<sup>12</sup> In view of the material amendment by L. 1909, ch. 478, referred to in the next note, the term *of the grade of misdemeanors*, as here employed, appears to have become obsolete.

<sup>13</sup> For said section 2186 (*as amended by L. 1909, ch. 478*), see *infra*.

<sup>14</sup> In view of L. 1909, ch. 478, already referred to, this term, as here employed, appears to have become obsolete.

<sup>15</sup> In view of said ch. 478, has not this limitation become inoperative?

## JUVENILE COURT LAWS SUMMARIZED

### NEW YORK

stage of the trial and before "conviction,"—suspend the trial and inquire into the case, and if he shall "so find," "he may in his discretion" in lieu of proceeding with the trial, adjudge that the child needs the care and protection of the state, and thereupon the judge shall deal with him as provided in section 486 of the penal law for a child not having proper guardianship; and where he shall so adjudge, before or instead of committing the child to an institution, he may commit him to the detention house, or place him on probation.

[No sections 93—99.]

#### ARTICLE V. "Probation."

100. (*Probation officers.*) A majority of the judges may appoint five probation officers, and those, in addition, that the common council may [duly] authorize; and may designate one of the appointees as chief probation officer.

[Provisions for removal, and compensation.]

101. (*Their powers and duties.*) The probation officers shall have all the powers and duties now conferred upon probation officers by the code of criminal procedure.<sup>16</sup> They shall keep records, and conform to rules, as established by a majority of the judges. The chief officer shall perform additional or special duties as required by rule of a majority of the judges. The chief judge shall see that "such rules" are observed and such records properly kept.

102. (*Probation officers in children's court.*) So far as consists with proper administration, certain of the probation officers shall be permanently assigned by a majority of the judges to the children's court.

103. (*Period of a child's probation.*) A child may be placed on probation for such time (not exceeding three years) as the judge holding the children's court may deem proper; and the period may extend beyond the time the child reaches 16.

104. [Probation of adults.]

105. [Revocation of probation; applicable both to children and adults.]

106. [Revocation of appointment of police officer to service as probation officer.]

[No sections 107-114.]

#### ARTICLE VI. "Additional Jurisdiction; Courts and Offices Abolished; Saving Clause; Repeal."

115. (*Additional jurisdiction.*) Besides the jurisdiction hereinbefore specifically conferred upon the city court of Buffalo, said court shall have all the jurisdiction heretofore possessed by the municipal court of [the city of] Buffalo, the police court, the courts of the justices of the peace, or the judges and justices thereof, "except as herein otherwise expressly provided."

116. From and after midnight of December 31, 1909, the said municipal court, [and the?] police court and the courts of the justices of the peace in the city of Buffalo, shall be abolished.

[117-121.]

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<sup>16</sup> "See § 11-a, as amended by L. 1909, ch. 482; and § 483, as amended by L. 1909, ch. 217." (Note printed on p. 1656 of L. 1909.)

## A SUMMARY OF JUVENILE COURT LAWS

### NEW YORK

#### THE ROCHESTER JUVENILE COURT

Established by L. 1905, ch. 543.<sup>17</sup>

This act (and ch. 317 of 1906) were repealed by L. 1907, ch. 755,<sup>18</sup> "An act constituting the charter of the city of Rochester."

For the recent juvenile court law applicable in Rochester, see the Monroe County (N. Y.) Juvenile Court Law of 1910, Part III, page 141 *infra*.

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#### NEW YORK (STATE)

[THE CONSOLIDATED LAWS, 1909.]

Chapter 40. (*Penal Law.*)

SECTION 483, *subd. 3.* (*Lack of diligence. Contributing, by parent or other person, to violation, by child, of certain provisions. Misdemeanor.*) Any parent or other custodian of a child under 16, except in the city of New York, who omits to exercise due diligence to prevent the child from violating any of the provisions of this article<sup>19</sup> and any person responsible for, or by act or omission contributing to the said violation,—shall be guilty of a misdemeanor and punishable accordingly.

SEC. 486. (*Causes for commitment.*) Any child under, or apparently under, 16, who is found [*subd's 1-4*] begging [etc.]; or gathering rags [etc.]; or homeless or lacking guardianship; or abandoned, or in a destitute or suffering condition; or without means of support, being an orphan, or living with a parent or guardian who has either been sentenced to imprisonment for crime, or convicted of a crime against the child's person, or adjudged an habitual criminal; or in the company of reputed thieves or prostitutes, or, unattended by parent or guardian, in a concert saloon, or other place of entertainment; or in any liquor saloon, or in any place adjacent; or [*subd. 5*] coming within any of the descriptions of children mentioned in section 485;<sup>20</sup> must be arrested and brought before a proper court or magistrate, who may commit the child to any incorporated "charitable reformatory, or other institution," and, when practicable, to one governed under the same religious faith as that of the child's parents, or may make any disposition of the child authorized in the cases of a vagrant, truant, pauper, or disorderly person,<sup>21</sup> but such commitment shall, so far as practicable, be made to "such charitable or reformatory institutions." [Provisions as to notice, new commitment, etc., follow.]

*Subd. 6.* [Against use of tobacco.]

*Subd. 7.* ["Disorderly" and "ungovernable" children defined. May be dealt with as provided in *subd. 5.*]

*Subd. 8.* (*Juvenile defendants or witnesses.*) Any magistrate having criminal jurisdiction<sup>22</sup> may temporarily commit a child under 16, held on a criminal charge or

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<sup>17</sup> See also ch. 317 of 1906.

<sup>18</sup> See sections 470 and 476 (*children's court*). Also, sections 318 and 480 (*probation officers*; cf. code crim. proc. (1909), *Memo. on § 11—a, subd. 1, infra*).

<sup>19</sup> Article 44, "Children" (Secs. 480-493).

<sup>20</sup> Providing that certain stated employments of children shall constitute misdemeanors.

<sup>21</sup> Cf. L. 1909, ch. 347.

<sup>22</sup> Cf. code crim. proc. (1909), sec. 147, especially ¶ 7.

## JUVENILE COURT LAWS SUMMARIZED

### NEW YORK

as a witness for a criminal trial, to an institution authorized to receive children on final commitment.<sup>23</sup>

If "convicted of any misdemeanor"<sup>24</sup> the child shall be finally committed to some such institution; and to no prison, jail, or penitentiary for longer than the transfer requires. No child under, or apparently under, 16, shall be confined in company with adults accused<sup>25</sup> or convicted of crime.<sup>26</sup>

*Subd. 9. (Probation.)* Whenever any child is brought in, to be dealt with under this section [including also sec. 487?], the child, instead of being committed to an institution,<sup>27</sup> may be placed with a probation or parole officer, and the postponed commitment may follow, after a hearing, at any time within one year. This provision shall not apply to "a children's court created by special enactment in cities of the first class";<sup>28</sup> but no jurisdiction "now" [1905] possessed by such children's courts shall be taken away or limited by this exception.<sup>29</sup>

*SEC. 487. (Procedure in children's cases. Children's courts. Precedence.)* All cases involving the commitment or trial of children under, or apparently under, 16, for any violation of law, in any court, shall be heard at suitable times and apart from other criminal trials, and, so far as practicable, in a separate room (the children's court) to be used exclusively for such cases. A separate docket and record shall be kept. All "such cases and cases of offenses by, or against the person of," a child under 16, shall have preference over all other cases, throughout the state; and a case as to which a child is committed or detained as a witness shall be tried or otherwise disposed of without delay.

, SEC. 2184.<sup>30</sup> (*Sentence.*) [Certain respective categories in which a child may be sentenced to one of certain institutions, instead of to state prison or penitentiary. Nothing herein to affect sec. 2194.]

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<sup>23</sup> *County Detention Homes.* Sec. 99 of County Law (Consol. Laws, 1909, ch. 11) provides that any county except Kings "may" procure a house of detention,—for women, girls, and boys under 16, charged with crime, not punishable by death or a state-prison term exceeding five years [in this connection consider Penal Law, sec. 2186 (amended in 1909), *infra*], "or with" [and not a?] second offense—and for witnesses; and when so established, any magistrate in the county shall commit such cases thereto, instead of to the jail. (Cf. L. 1875, ch. 464, repealed by said "County Law.")

A part of the above sec. 99 appears to conflict with (and to have been superseded by?) Penal Law, sec. 486, *subd. 8, ¶ 2, infra*.

<sup>24</sup> This phraseology appears to be obsolete. See sec. 2186 (*as amended in 1909*), *infra*. (See also Consol. Laws (1909), p. 2534.)

<sup>25</sup> Superseding part of note 23?

<sup>26</sup> Minors in county jails "shall not be put or kept in the same room with adult prisoners."—L. 1907, ch. 275.

<sup>27</sup> As to children committed in the city of New York, under certain statutory provisions, cf. L. 1909, ch. 348.

<sup>28</sup> New York, Buffalo, and Rochester are cities of the first class; but Rochester has only taken rank through a reduction, by constitutional amendment, of the minimum of population necessary, from 250,000 to 175,000,—an amendment passed since the legislation represented by *subd. 9* was enacted.

<sup>29</sup> As to probation in the city of New York (except in the boroughs of Queens and Richmond) see L. 1903, ch. 159, "Sec. 3," *supra*.

<sup>30</sup> With this section should be compared sec. 2186; especially in view of the amendment of 2186 in 1909.

Was not 2184 affected by 2186? And is not 2184 affected by 2186 all the more, since the amendment of the latter?

## A SUMMARY OF JUVENILE COURT LAWS

### NEW YORK

SEC. 2186. (*As amended by L. 1909, ch. 478.*) (*Age limit. Sentence.*) Where a male between 16 and 21 is convicted of a felony, or where the term of a male convict, for a felony, is fixed by the trial court at one year or less, the court may order imprisonment in a county penitentiary, instead of a state prison,—or in the county jail located in the county of sentence.

(*Age limit. Juvenile delinquency. Procedure.*) A child over 7 and under 16, who shall "commit any act or omission" which, by an adult, would be a crime not punishable by death or life imprisonment, shall not be deemed guilty of any crime, but of juvenile delinquency only; but any other person concerned therein, who otherwise would be punishable as a principal or accessory, shall be so punishable, as if the child were over 16 when "the crime" was committed. Any child charged with any act or omission which may render him "guilty of juvenile delinquency" shall be dealt with as now or hereafter provided in the case of adults charged with such act or omission, except as specially provided heretofore in the case of children under 16.

SEC. 2188. (*Suspension of sentence, etc.*) [Relates to duty of court, suspension of sentence, etc. In the case of children under 16, at the time of conviction, the longest period of time after suspension of sentence, within which a sentence may be imposed for "such offense," shall be one year.]

SEC. 2194. (*Cases under 16. Commitment. Religion.*) When a child under 16 "is convicted of a crime,"<sup>31</sup> he may, "instead of being sentenced to fine or imprisonment,"<sup>31</sup> be placed with a suitable person or institution, and be, until majority or for a shorter term, subjected to the quasi-parental discipline and control thereof. A child under 16 committed for "misdemeanor,"<sup>32</sup> under this chapter, must be committed to some institution for minors. And the commitment of "any such child" to an institution shall, when practicable, conform to the religious faith of the child's parents.

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### [THE CODE OF CRIMINAL PROCEDURE. (1909.)]

#### SECTION 11-a. (*Memorandum thereon;* based upon L. 1909, ch. 482.)

[*Subd. 1. (Probation officers.)*] Probation officers may be appointed by the magistrates of the courts having original jurisdiction of criminal actions in the state. They may be chosen from among the officers of appropriate societies (including those for the prevention of cruelty to children), or may be private citizens of either sex. A copy of the order of appointment must be filed with the state probation commission established by L. 1907, ch. 430; for special prior commission see L. 1905, ch. 714.

(*Appointment.*) The appointment of police, etc., as probation officers is provided for. No probation officer appointed under "this section" shall receive compensation in such capacity until allowed by proper ordinance or resolution, but this shall not deprive any police officer, etc., appointed probation officer "as herein provided," from receiving the compensation attached to his "said" official employment. (Provisions reciting who may determine whether probation officers shall receive a salary, or referring to the salary of, or relating to the appointment of, probation officers;—

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<sup>31</sup> These phrases should be considered in connection with sec. 2186 (*amended in 1909*), *supra*.

<sup>32</sup> This term should be considered in connection with sec. 2186 (*amended in 1909*), *supra*.

## JUVENILE COURT LAWS SUMMARIZED

### NEW YORK

applicable (only?) to appointees "not detailed from other branches of the public service."

*Subd. 2. (Duties.) Describes their duties.<sup>33]</sup>*

SEC. 56. (*Jurisdiction of courts.*) [Subject to the power of removal provided for in "this chapter" [ch. 1 of Title VI], courts of special sessions, except in the city and county of New York and the city of Albany,<sup>34</sup> have in the first instance exclusive jurisdiction<sup>35</sup> to hear and determine charges of "misdemeanors"<sup>36</sup> committed within their respective counties, [including, as one of thirty-nine subdivisions]

*Subd. 27. (As amended by L. 1909 (see on p. 100 thereof), ch. 66) Cruelty to animals or children or offenses of children under sec. 2186 of the penal law.]*

SEC. 483. *As amended by L. 1909, ch. 217.* ("Court may summarily inquire into circumstances in aggravation or mitigation of punishment.")

*(Conditions of probation.) [Under certain circumstances] the court may place the defendant on probation<sup>37</sup>:*

1. (*Probation.*) During suspension of sentence. When practicable, any minor<sup>38</sup> probationer shall be placed with a probation officer of the religious faith of the child's parents. The parents, guardian, or master shall be summoned to any examination or trial.

2. [*Judgment, "to pay a fine and that the defendant be imprisoned until it is paid."* Sentence may be suspended. Probation.]

3. (*Probation revoked.*) [Revocation of probation,<sup>39</sup> in the court's discretion; judgment to revive in full force "for its unexpired term."]

SEC. 554. [Names cases when defendant may be admitted to bail before conviction, and recites forms of undertaking.]

*Subd. 4. (Recognition of custodian.) Whenever a child under 16 is arrested for any offense except a felony<sup>40</sup> or a crime which by an adult would be a felony,<sup>40</sup> a police officer [of certain stated ranks] in any city may accept, in lieu of bail, the personal recognizance in writing, without security, of a parent or other lawful custodian to produce the child before the proper court at the specified time. [Further provisions follow; including an amendment (not here material) by L. 1909 (on p. 102), ch. 66.]*

SEC. 749. (*Appeals.*) ("Review on appeal from minor courts.")

[Note, based upon the amendment of 749 by L. 1909 (see on pp. 103-104 thereof), ch. 66. From a judgment of commitment under sec. 486 of the Penal Law [*supra*] an appeal [by whom?] may be taken to the county court. The institution of commitment [and other parties?] may appeal from the county court to the supreme court and to the court of appeals. Until the final determination thereof, the child must remain with the institution named in the commitment.]

SEC. 888. *As amended by L. 1909 (see on pp. 104-105 thereof), ch. 66. (Proceedings before magistrate in cases of vagrant children.)*

<sup>33</sup> The work of a probation officer may be investigated by the state probation commission.—L. 1907, ch. 430.

<sup>34</sup> Cf. L. 1903, ch. 378.

<sup>35</sup> Cf. L. 1898, ch. 182, *as amended by L. 1899, ch. 581.*

<sup>36</sup> Cf. Penal Law, sec. 2186 (*amended in 1909*), *supra*.

<sup>37</sup> See also sec. 487, "Commitment of the defendant."

<sup>38</sup> Superseding the age limit *under 16* recited in L. 1903, ch. 613.

<sup>39</sup> See also sec. 487, "Commitment of the defendant."

<sup>40</sup> Cf. Penal Law, sec. 2186 (*amended in 1909*), *supra*.

## A SUMMARY OF JUVENILE COURT LAWS

### OHIO

(*Truants.*) If a complaint, made against any vagrant under subdivision 8<sup>41</sup> of sec. 887, shall be established, the parent, guardian, or master must promise the city or village authorities, in writing (giving security if required), that he will keep the child on his own premises or lawfully occupied, and will send him, until 14, to school, at least four months a year. In the absence of such stipulation, the magistrate shall make the like disposition of the child as is authorized to be made by sec. 486 of the Penal Law, of children coming within the same.<sup>42</sup>

SEC. 921. (Parents leaving their children chargeable to the public, how proceeded against.)

[*Absconders.*]

(*Support payments.*) Upon committal of a child to an institution, his father shall be required, if able, to make weekly payments towards the child's maintenance therein. [By said Penal Law, sec. 482, a wilful omission to make a duly required payment is a misdemeanor.]

### NORTH CAROLINA

[*Probably no Juvenile Court legislation, through 1909.*]

### NORTH DAKOTA

[*Probably no Juvenile Court legislation, through 1909.<sup>1</sup>*]

### OHIO

The first juvenile court law of Ohio was passed in 1902. It was limited in terms to counties containing by the 1900 census a city of more than 380,000, and was hence applicable only to Cuyahoga county, which contains Cleveland.

In 1904 a law was passed (v. 97, p. 561) relating to dependent, neglected, and delinquent children, in effect establishing juvenile courts throughout the state. This law was amended and supplemented in 1906. (V. 98, p. 314.) It has been repealed and superseded by the act of 1908 (*infra*).

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### THE CUYAHOGA COUNTY JUVENILE COURT

*An act establishing a juvenile court in certain counties, and relating to delinquent and neglected children.*

[L. 1902 (v. 95). p. 785. As amended by L. 1904 (v. 97), p. 621.<sup>1</sup>]

SECTION 1. (*Juvenile court. Jurisdiction.*) In every county containing by the census of 1900 a city having a population of more than 380,000, and also containing

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<sup>41</sup> Any child between 5 and 14, physically and mentally capable of attending the public schools, found wandering about any city or village, a truant, without lawful occupation.

<sup>42</sup> Cf., as to the city of New York, L. 1909, ch. 348.

<sup>1</sup> "In North Dakota one judge has endeavored to carry out the idea." (Of juvenile courts.)—*National Conference of Charities and Correction. Proceedings, Session of 1909*, p. 508.

<sup>1</sup> Whatever additional powers were granted by the act of 1906 (see v. 98, p. 314, at sec. 30) appear to have been taken away through its repeal.

## JUVENILE COURT LAWS SUMMARIZED

### OHIO

a court of insolvency, said court, in addition to its present jurisdiction, shall have original jurisdiction of all cases hereunder.

(*Jury.*) In all trials a jury of six may be demanded; or may be ordered by the judge.

SEC. 2. (*Age limit.*) The act applies only to children under 16<sup>2</sup> not inmates of a state institution or any industrial school for boys or industrial home for girls, or Ohio-incorporated institution: *Provided, however,* That when a child under 16 shall come into the juvenile court's custody, such child, if a boy, shall continue, for discipline, its ward, until 21; and if a girl, until 18.

(*Neglected child.*) "Neglected child" shall mean any child who is destitute, homeless, or abandoned; or a public charge; or lacks proper parental care; or who habitually begs or receives alms; or who lives with the vicious or disreputable, or whose home, through the fault of his parents or other custodian, is unfit; and any child under 10 found begging or peddling, or performing music on the street, or giving any public entertainment, or who aids any person "so" doing.

(*Delinquent child.*) "Delinquent child" shall include any child under 16 who violates any law of the state, or city or village ordinance; or is incorrigible; or knowingly associates with thieves or [other] immoral persons; or is growing up in idleness or crime; or, knowingly, frequents a house of ill fame or patronizes a gambling place.

SEC. 3. (*Petition.*) The procedure begins by the petition of a resident in any [such?] county, concerning a child therein, apparently neglected, dependent, or delinquent.

SEC. 4. (*Summons. Notice. Warrant.*) [See Wisconsin, sec. 573-5, subd. 1, 2, through the words "custodian or child," *infra*.]

(*Hearing.*) The court shall hear and dispose of the case summarily, and pending its "final" disposition the child may be detained in some suitable place.

SEC. 5. (*Probation officers. Duties of chief officer.*) The court may appoint a paid chief probation officer and one paid assistant (who shall also be interpreter); and may also appoint unpaid officers. [The chief officer's duties are those prescribed for probation officers in Illinois, juvenile court law, in the first part of section 6, *supra*; and also the duty of superintending the other officers.]

SEC. 6. (*Neglected children.*) Any dependent or neglected child under 16 may be committed to some state institution, training or industrial school, or to some suitable association<sup>3</sup> or individual.

SEC. 7. (*Disposition of child by agreement.*) The parent or other legal custodian may agree, with any approved Ohio-incorporated organization for dependent and neglected children, to the surrender of the child to it; and may authorize it to consent to the child's adoption, and the court's order thereon shall bind both child and custodian.

SEC. 8. (*Guardianship.*) A child, committed to any association or individual, shall, unless otherwise ordered, become (as to his person, not his estate) a ward thereof. Such guardian may place the child in a family home; and may authorize his adoption.

SEC. 9. (*Disposition of delinquent children. Placement in family home.*

<sup>2</sup> Is this age limit superseded by the age limit *under 17* prescribed by the general act of 1908 (*infra*; p. 192 of L. 1908)?

<sup>3</sup> Cf. L. 1908, p. 184, at p. 190, "Sec. 2181," referred to by note 6, *infra*.

## A SUMMARY OF JUVENILE COURT LAWS

### OHIO

*(Limit of commitment.)* The court, continuing the hearing from time to time, may commit a delinquent child to a probation officer, and may allow him to remain at home, subject to the officer's visitation, to report as required, and to be returned to the court whenever necessary; or may place the child in a suitable family home, subject to supervision and the court's further order; or may provisionally board him out in such a home; or may commit the child to an industrial school or home for boys or for girls, or to any appropriate Ohio-incorporated or city or county institution within the county, or to any appropriate state institution. No commitment shall extend beyond "minority."<sup>4</sup>

*(Parole. Discharge.)* A child may be paroled on conditions prescribed by the managers of the institution of commitment; and the court on their recommendation shall have power to discharge him from custody, or the court may commit him to some duly accredited association caring for neglected or dependent children.

SEC. 10. (*No child under 12 to go to jail. Separation of juvenile delinquents from adult convicts.*) No child under 12 shall be committed to a jail or police station; in default of bail he shall be suitably detained elsewhere. No child sentenced to any institution to which adult convicts are sentenced shall be confined in the same building or inclosure therewith or brought into any yard or building where they may be present.

*(Transfer to juvenile court.)* Any child under 12 taken before a police court, charged with a misdemeanor, shall at once be transferred to the juvenile court.

SEC. 11. (*Orders for support, and for discipline and control.*) Wherever the court shall find a child neglected, dependent, or delinquent, if it shall also find the parents able to support him, it may enter the proper order, duly enforceable by execution or otherwise; and if the parents are neglecting to discipline and control him, the appropriate order may issue, and may be enforced by fining the parent not more than, for the first offense, \$25, and for all subsequent offenses \$100.

SECS. 12, 13. (*State board of charities. When charter may be repealed.*) The state board of charities shall have the supervision of all organizations caring for juveniles under this act. Such organizations, and the juvenile court, shall report to the board annually. Associations to advance aims of act may be incorporated; but the secretary of state shall refuse a charter to any not meeting his approval.

SECS. 14, 15. [*Religious faith of parents; commitments to conform as far as practicable thereto.*]

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### OHIO JUVENILE CASES, GENERALLY

*An act relative to dependent, neglected, and delinquent children.*

[L. 1908 (v. 99), p. 192.]

SECTIONS 1-3. (*Courts having jurisdiction. Records.*) Courts of common pleas, probate courts, insolvency courts, and superior courts, where established, shall have concurrent jurisdiction herein. The judges of each court shall designate one of their number to dispose of matters arising hereunder. The clerk of the court of the presiding judge shall keep the records.

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<sup>4</sup> Males of 21 and females of 18 are of full age.—Bates' annot. Ohio stats., sec. 3136. (1906.) Cf. the act of 1908, sec. 12, end of ¶ 2, *infra*.

SEC. 4. (*Extent of jurisdiction.*) The jurisdiction of the several courts shall extend over delinquent, neglected, and dependent minors under 17 (not inmates of a state institution, or any Ohio-incorporated child-helping institution) and over parents, guardians, and all persons or corporations responsible for, or guilty of causing, or contributing to, the status of these minors. Such children shall continue under the court's jurisdiction until they reach 21.

SEC. 5. (*Delinquent child.*) [Delinquent child defined. See Colorado, L. 1903, ch. 85, in sec. 1, *supra*. To the list of offenses Ohio adds trespasses upon street car property, immoral conduct generally, the use of cigarettes, and the visiting of any show where vulgar or indecent pictures are displayed.]

SEC. 6. (*Dependent child.*) Dependent child shall mean any child under 17 who is a public charge; or is destitute, homeless, or abandoned; or lacks proper parental care; or begs; or lives with the vicious or disreputable; or whose home, through fault of parent or other custodian, is unfit; or whose environment warrants the state in taking charge.

SECS. 7-10. (*Affidavit. Citation or warrant.*) The procedure in these cases may begin by an affidavit. Thereupon a citation shall issue to the child and his custodian; or a warrant may issue for the arrest of the child or of any defendant charged with neglecting him, or with being responsible for or having encouraged delinquency or dependency on his part.

(*Hearings. Special court room.*) In due time the case shall be summarily heard and disposed of; and "the person cited to appear or arrested may be punished" as hereinafter provided. Hearings of "juvenile cases" shall take place in a special room.

SEC. 11. (*Jury.*) Anyone charged with being liable for a child's status may demand a jury trial; or a jury may be called by the judge *sponde sub.* For the panel the common pleas procedure in criminal (other than capital) cases shall prevail.

SEC. 12. (*Disposition of delinquent children.*) [See the act of 1902, sec. 9, through the words "in such a home"; *supra*.]

Or the child may be committed to a training or industrial school or to any institution in the county or to any state institution for delinquent children, or to the boys' industrial school at Lancaster; or (when the child is 16, or over,<sup>5</sup> and has been guilty of a felony) to the Ohio state reformatory at Mansfield, or (if a girl over 9) to the girls' industrial home at Delaware.

(*Limit of commitment.*) A child committed to an institution shall not be held after reaching 21.

(*Parole. Discharge.*) The institution's trustees may parole a child so committed, and on their recommendation the superintendent may discharge him; or the judge may commit him to some duly accredited association for neglected or dependent children.

SEC. 13. (*Dependent children.*) Dependent or neglected children under 17 may be committed to some suitable state or county institution, or training or industrial school, or to some appropriate association<sup>6</sup> or individual.

<sup>5</sup> Cf. sec. 5, "under 17," *supra*. (Reference to Col.)

<sup>6</sup> That "children's homes or industrial schools," in all cities where such institutions may be established under the Ohio incorporation law, may take under their guardianship all children "under sixteen," who, under certain stated circumstances and for certain stated reasons, "may be committed" to their care by any "judge of

## A SUMMARY OF JUVENILE COURT LAWS

### OHIO

SEC. 14. ("Aiding or abetting delinquency, penalty.") Whoever causes or contributes to the delinquency of a minor under 17 shall be punished by fine of not less than \$10 or more than \$1,000, or by imprisonment for not less than ten days nor more than one year, or by both; and each day's contribution to such delinquency shall be deemed a separate offense, and the judge, if in his judgment it be for the best interests of any delinquent minor under 17, may fine such delinquent not more than \$10, and may commit "such person" until fine and costs are paid.

SEC. 15. (*Nonsupport. Penalty.*) Whoever being liable and able to support and educate a child under 17 neglects or refuses so to do, or abandons such child, shall be punished by fine of not less than \$10 nor more than \$500, or by imprisonment for not less than ten days nor more than one year, or by both. Each day's neglect or refusal shall be a separate offense, and the judge may commit the defendant until all such fines and costs are paid.

SEC. 16. (*Maintenance of children of one serving sentence.*) When a prisoner is serving sentence for nonsupport or abandonment, his county shall pay forty cents for each day of his confinement, for the maintenance of "the dependent minors of such prisoner."

SECS. 17, 18. (*Interim commitment.*) Anyone cited or arrested (unless he be a minor under 14) may be committed to the county jail until the case is disposed of; but the trial shall begin within four days of such commitment unless defendant otherwise requests. Such minor may be left with his custodian, or suitably kept by the authorities.

(*Supplementary citation or warrant, for new party defendant.*) If the hearing disclose that any one not cited has probably contributed to the delinquency of one under 17, or that any one has wilfully neglected or failed to perform his legal duty to support and educate a minor, such person may be cited to appear for additional proceedings.

SEC. 19. (*Transfer to "juvenile judge."*) If an arrested child under 17 be taken before a justice of the peace or judge of police court, the case shall be transferred to the "juvenile judge," who shall proceed as if the child had been brought before him in the first instance.

SECS. 20, 21. [Warrants, subpoenas, and other writs of "such judge" [of a juvenile judge] may issue to a probation officer of "any such court" [any such quasi-juvenile court?], or to the sheriff of any county. Extent of prescribed applicability of sec. 7287, Rev. Stats. Cost of execution of a warrant, under certain circumstances,—to be borne by the county.]

SEC. 22. (*Probation officers.*) The judge may appoint probation officers of either sex. There shall be a paid chief officer, and there may be first, second, and third paid assistants. Other officers, with or without compensation, may be appointed. (Compensation limit set.)

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"juvenile court,"—such judge to "annex to the commitment an abstract of the evidence taken by him and on which his adjudication was founded, which evidence shall have been taken under oath";—see L. 1908, p. 184 (an amending and repealing act revising "the statutes of Ohio relating to children's homes and to dependent and neglected children"), at p. 190, "Sec. 2181." (It is noticeable that the age limit recited in sec. 2181 is not *under 17*, but "*under sixteen*." So far as necessary to carry out the provisions of the above sec. 13, the "*under 17*," therein, probably supersedes the "*under sixteen*" of said sec. 2181.)

## JUVENILE COURT LAWS SUMMARIZED

### OHIO

SEC. 23. (*Duties of probation officers.*) The probation officer shall investigate a case fully, covering the child's parentage, surroundings, record [etc.]; shall represent the child's interests at the trial, and shall take charge of him before and after; shall arrest without warrant in certain cases, holding the prisoner pending the issuance of a warrant; and shall assist the judge as he may direct.

SECS. 24, 25. (*Prosecuting attorney.*) On the request of the judge, the county attorney shall prosecute under this act.

(*Bail.*) Bail procedure in criminal cases in the common pleas court shall govern so far as applicable.

SECS. 26, 27. (*Suspension of sentence. Forfeiture of bond.*) Sentence to imprisonment may be suspended, upon conditions; but if the defendant fails to comply with his bond, it may be declared forfeited, and the original sentence put into execution.

SEC. 28. (*Error proceedings.*) In prosecutions of persons over 17, error lies to the circuit court of the county as in other criminal cases.

SEC. 29. (*Limited admissibility of certain evidence.*) No part of the proceedings under this act shall be legal evidence against such child, except in later cases against him hereunder.

SEC. 30. (*Detention home.*) The county, upon the judge's advice, may establish a detention home (not usable for adults charged with crime) for cases under 17; and in counties of more than 40,000 a superintendent and matron, qualified as teachers of children, may be appointed.

SECS. 31, 32. [*Guardianship—Adoption—Disposition of child by agreement.* See the act of 1902, sections 8, 7. (The age limit here applicable is that of this act of 1908.)]

SEC. 33. [*Institutions to which juvenile delinquents may be committed, to maintain agents, for assistance and supervision of cases under parole, etc.*]

SECS. 34, 35. [*Provisions for supervision by the state board of charities of all associations receiving children under this act—The board's commendatory certificate—Court authorized to require information from associations receiving or desiring to receive children hereunder—Conditions of incorporation of associations for dependent, neglected, or delinquent children.*]

SEC. 36. [*Guaranty by foreign corporations against diseased or degenerate cases—Deportation—Penalty.*]

SEC. 37. [*Religious faith of children or their parents; commitments to conform as far as practicable thereto.*]

SECS. 38, 39. (*Delinquent child charged with felony.*) A delinquent child charged with felony may be bound over to the court of common pleas; and the same proceedings shall be had thereafter upon the complaint as are authorized for the indictment, trial, judgment, and sentence of any other person thus charged.

SEC. 40. (*Construction.*) This act shall be liberally construed—that the child may be educated and cared for as best subserves his moral and physical welfare, and that the parent or guardian may be compelled to do his duty by the child.

SEC. 41. (*Repeal.*) The act of 1904 (v. 97, p. 561) and the act of 1906 (v. 98, p. 314) are repealed.

## A SUMMARY OF JUVENILE COURT LAWS

### OKLAHOMA

#### OKLAHOMA

*An act to define dependent, neglected and delinquent children, and to regulate their treatment, control and custody by county courts.*

[L. 1909, p. 185. (Art. VIII, *Juvenile Courts*, of Ch. XIV, "COURTS.")]

**SECTION 1. (Definitions.)** This act shall apply to "any child" under 16 not now or hereafter an inmate of a state institution incorporated under Oklahoma laws.

(*Dependent child, and neglected child.*) For the purpose of this act "dependent child" and "neglected child" shall mean any child under 16 who for any reason is destitute, homeless or abandoned; or a public charge; or lacks proper parental care; or who habitually begs or receives alms; or who is found living in any house of ill-fame or within a vicious or disreputable place; or whose home, through fault of parent or other custodian, is unfit;—and any child under 8 found begging, singing or playing any musical instrument upon the street or giving any public entertainment, or who aids any person "so" doing.

(*Delinquent child.*) The words "delinquent child" shall include any child under 16 who violates any law of the United States, or of Oklahoma, or any city or village ordinance; or who is incorrigible, either at home or in school, or who knowingly associates with thieves, [or] vicious or immoral persons, or who, without just cause and without consent of parents or custodian, absents himself from home or place of abode, or who is growing up in idleness or crime; or who knowingly frequents a house of ill-repute or gaming place; or who visits public pool rooms or bucket shop; or who idly roams the streets at night, or habitually wanders about any railroad yards or tracks, or habitually uses obscene, vulgar, or profane language; or is immoral in any public place or about any school house; or is addicted to intoxicating liquor or any injurious drugs, or uses cigarettes.

Any child committing "any" act "herein" mentioned shall be deemed "a delinquent child" and shall be proceeded against as such, as herein provided.

(*Limitation of evidence.*) No disposition of a child under this act, or evidence in the cause, shall in any [other?] court proceeding be evidence against the child save in later cases against him hereunder.

**SEC. 2. (Jurisdiction. "Juvenile Court." Report.)** The county courts shall have jurisdiction in all cases within this act. In trials the child, or any person interested in him, may demand a jury trial, to be granted as in other cases unless waived; or the judge of his own motion may call a jury. In all counties a special record (the "Juvenile Record") shall be kept, and the docket shall be the "Juvenile Docket," and the court shall be called the "Juvenile Court." Each year "the clerk or judge who acts as such clerk of the county courts" shall submit to the Commissioner of Charities and Corrections a written report, giving certain data as to delinquent children brought before "such court," but not disclosing name or identity of child or parent.

**SEC. 3. (Petition.)** Any reputable resident of the county, having knowledge of a child therein who appears to be neglected, dependent or delinquent, may [duly] file a petition. The name and residence of the legal guardian, if known,—if not known, then the name and residence of near relative, if there be one and his residence [be] known,—shall be set forth.

**SEC. 4. (Summons. Notice. Warrant.)** Thereupon a summons shall issue, requiring the custodian to appear with the child at a place and time stated therein, not less than 24 hours after service. [Notice to parents, or (substitutionary) legal

## JUVENILE COURT LAWS SUMMARIZED

### OKLAHOMA

guardian, or (substitutionary) some near relative. Person to act in behalf of child may be appointed. Other provisions as to summons and notice. Disobedience of summons justifies proceedings as in case of contempt of court. Under certain circumstances the court may issue a warrant, either against custodian or child.]

(*Hearing.*) [In due time] the court shall hear and dispose of the case summarily, and pending its "final" disposition the child may be detained according to the order of the court.

SEC. 5. (*Probation officer. For the county.*) The court may appoint, with the consent of the county commissioners, one probation officer, to serve during the court's pleasure, at \$50 per month from county fund. Such an officer shall be notified, if practicable, in advance of each case. He shall investigate cases and assist the judge, as required; be in court to represent the child at the trial, and take charge of him before and after.

SEC. 6.<sup>1</sup> (*Disposition of children adjudged dependent or neglected.*) [See Ohio, the act of 1902, sec. 6, *supra*.]

SEC. 7. ("Authority of those awarded custody of children.") [See Ohio, *ibid.* sec. 8.]

SEC. 8. (*Disposition of delinquent children. Probation. Commitment.*) The court, continuing the hearing from time to time, may commit a delinquent child to a probation officer, or any other person, or may allow the child to remain at home, subject to the officer's visitation, to report as required; or may place the child in a suitable family home, subject to an officer's supervision, and to the court's further order; or may provisionally board the child out in such a home; or may commit the child to a training school for boys, or to an industrial school for girls, respectively; or to any institution in the county incorporated under Oklahoma laws that may care for delinquent children or that may be provided by a city or county, suitable for such children,—or to any appropriate state institution; or to some association caring for neglected or dependent children, "and that has been duly accredited as hereinafter provided." No child over 16 shall be committed to an institution.

(*Parole.*) A child committed to such an institution may be paroled by the superintendent under such conditions as the latter may prescribe.

(*Duration of court's wardship. Discharge. Recourse to criminal procedure.*) Every child adjudged delinquent, whether allowed to remain at home, or placed in a home, or in an institution, shall continue to be a ward of the court until discharged thereby, or until reaching 21, and such court may, during wardship, have the child returned thereto for other proceedings including parole or release: Provided, however, that notice of all applications to the court for such parole or release shall be given to the superintendent of such institution at least ten days before the time for the hearing, "or the consent, in writing, of such superintendent to such parole or release shall be filed." The court may, however, in its discretion cause such child to be proceeded against in accordance with the laws that may be in force governing the commission of crime.

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<sup>1</sup> Applications for admission, of all white children in Oklahoma up to 16 years, who are dependent, destitute, neglected or abandoned, to the state orphan home known as the "Whitaker Orphan Home of the state of Oklahoma" may be signed by parent, or guardian, or judge of any "juvenile," county, or district, court.—L. 1907-08 (on p. 630), ch. 70, Art. VI, sec. 9. (Cf., as to "colored youth," L. 1909 (on p. 546), ch. 34, Art. IV, especially sec. 6 thereof.)

## A SUMMARY OF JUVENILE COURT LAWS

### OREGON

SEC. 9. (*Children under 12 years not to be committed to jail. Segregation of children from adult prisoners.*) Children under 12 in custody and unable to give bail shall be detained in some suitable place (which shall be provided by city or county) outside of the enclosure of the jail or police station. No child sentenced to an institution containing adult convicts shall be confined in the same building, yard, or enclosure with them.

SEC. 10. (*Purpose of the act.*) This act shall be liberally construed: That the care, custody and discipline of the child shall approximate what should be given by his parents, and that, as far as practicable, a delinquent child shall be treated, not as a criminal, but as misguided, and in need of encouragement and assistance.

SEC. 11. [Repeal.]

### OREGON

By chapters 80 and 171 of 1905 were passed a juvenile court law and a law providing for the punishment of one responsible for a child's delinquency. Both laws were superseded and repealed in 1907.

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*An act as to dependent, neglected, and delinquent children, [etc.]; to establish juvenile courts, [etc.].*

[L. 1907, ch. 34.]

SECTION 1. Act shall apply only to children under 18.

(*Dependent child.*) [For definition of "dependent child" see "neglected child," in Ohio, the act of 1902 (and amended in 1904), in sec. 2, *supra*. For "who habitually begs or receives alms;" read *is found begging or receiving alms, or in any public place for these purposes*; for "10" read 14.]

(*Delinquent child.*) "Delinquent child" shall include any child under 18 who violates any state law or municipal ordinance; or is incorrigible, or is growing up in idleness or crime; or is a persistent truant; or whose associates are criminal or vicious; or who visits any house of ill fame, liquor saloon, or gambling place.

SECS. 2, 3. (*Jurisdiction.*) In each county of more than 100,000,<sup>1</sup> the circuit courts shall have original jurisdiction, and the judges for the district shall designate one or more of their number to hear these cases, the latter receiving compensation monthly for this extra duty. In all other counties the county courts shall have original jurisdiction.

("Juvenile Court.") At the special sessions herefor, the court shall hear no

<sup>1</sup> In Oregon an additional class of *dependent child* has been created by L. 1909, ch. 129. According to sec. 1, it shall be unlawful for any minor under 16 to participate in any public entertainment calling for an admission fee, unless the child, his parent or guardian, or the manager of the place of amusement or public entertainment, shall have the written permission of the judge of the juvenile court. Sec. 2 provides that any [such] minor participating in [such?] a public entertainment without [such] permission, "shall be declared dependent, and dealt with accordingly."

<sup>2</sup> Multnomah, containing the city of Portland.

## JUVENILE COURT LAWS SUMMARIZED

### OREGON

other matter, nor may there be present any defendant not within this act. The court findings will be entered on the juvenile record. In trials any one interested may demand a jury of six; or it may be ordered by the judge.

SEC. 4. (*Petition.*) [See Nebraska, Compiled Stats., 1905, ch. 20, Art. II, sec. 4, *supra*.]

SEC. 5. ("Citation." *Notification. Warrant. Hearing.*) [See Wisconsin, section 573-5, subd's 1-2, through the words "custodian or child," *infra*. Read *citation or notice* for "summons." *Continue* as in Ohio, the act of 1902, in sec. 4, *supra*.]

SEC. 6. (*Probation officers.*) The courts may severally appoint one or more probation officers, of either sex.

The probation officer shall investigate the case, represent the child at the trial, and take charge of him before and after; and inform and assist the court. He shall have the powers of a peace officer as to his charge, and at any time may bring him in for further action.

SEC. 7. In counties of less than 100,000 the probation officer shall serve unpaid.

(*Salaries. Detention home.*) In counties of more than 100,000 the chief probation officer, and each of the necessary deputies (not exceeding three), shall receive a monthly salary. It is directed that in [each of?] these counties a detention home be provided. The master and matron shall have the authority of probation officers. And in such counties the district attorney shall appoint a (paid) deputy—satisfactory to the judge—who shall prosecute cases arising under this enactment, and all cases in the various courts of the county wherein one is accused of committing any unlawful act affecting a person under 18.

SEC. 8. (*Dependent children.*) The commitment of a dependent or neglected child under 18 may be to a suitable state institution, to some good citizen, or to some institution or suitable association for dependent or neglected children.

SEC. 9. [Guardianship—Adoption. See Ohio, *ibid.*, sec. 8.]

SEC. 10. (*Disposition of delinquent children.*) [See Ohio, *ibid.*, sec. 9, through the words "in such a home."] Or the commitment may be to any Oregon-incorporated, or city or county, institution for delinquent children, or to the reform school or any other appropriate state institution.

A child committed shall be subject to the control of the institution's board of managers. The court, on the board's recommendation, may discharge a child whenever the former considers his reformation complete; or the court may [transfer?] a child to an association for neglected or dependent children.

Jurisdiction may be retained over a juvenile delinquent until he reaches 21, but no longer.

Any child guilty of a misdemeanor or felony and adjudged delinquent, and thereafter found incorrigible or an habitual criminal or dangerous to the community, or who either before or after commitment shall be found to have been guilty of a felony showing great depravity, may be remanded to the proper court, and be prosecuted and tried, and be liable to conviction, as if over 18.

SEC. 11. (*Transfers from justices and police magistrates to juvenile court.*) [See Illinois, juvenile court law, sec. 10, *supra*. The Oregon section applies throughout the state, and to any child under 18.]

SEC. 12. (*Jail commitment prohibited.*) A child under 14 shall not be com-

## A SUMMARY OF JUVENILE COURT LAWS

### PENNSYLVANIA

mitted to jail or police station, but in default of bail may be suitably detained elsewhere. Nor shall he serve his sentence in the same building or inclosure with adult convicts, or be brought where they may be present.

SEC. 13. (*Associations to furnish information.*) The court may at any time require information from an association desiring to receive children under this act, and need never commit a child to an association of unsatisfactory standing.

SEC. 14. [Disposition of dependent or neglected child, by agreement. See Ohio, *ibid.*, sec. 7; reading *Oregon-incorporated* for "approved Ohio-incorporated."<sup>3</sup>]

SEC. 15. [County visitors. See Illinois, *ibid.*, sec. 18. Omit "and annually to the state commissioners of public charities." Omit also the note.]

SEC. 16. [Repeal only of certain portions of criminal law and law affecting minors.]

SEC. 17. Appropriate support orders may be entered against parents, and duly enforced. No property of the parents shall be exempt from execution.

SEC. 18. [Construction. See Indiana, L. 1903, ch. 237 (amended), "10-12" (sec. 10), *supra*.]

SEC. 19. (*Repeal.*) Chapter 80 of 1905 is repealed.

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*An act providing for the punishment of persons responsible for, or contributing to, juvenile delinquency or dependency.*

[L. 1907, ch. 69.]

SECTION 1. (*Penalty.*) Any person who is responsible for or contributes to a child's delinquency, as defined by any Oregon statute, or endeavors to induce him to adopt a course of conduct leading to such delinquency, shall be guilty of a misdemeanor, punishable by fine of not more than \$1,000, or imprisonment not exceeding one year, or both.

SEC. 2. (*Penalty.*) Any person who wilfully does an act causing or tending to cause a child under 18 to become or remain a dependent child, as defined by any Oregon statute, shall be guilty of a misdemeanor punishable by such fine or imprisonment, or by both.

SEC. 3. *Person* shall "include" parent, legal guardian, or any other person having care or custody of a child.

SEC. 4. (*Jurisdiction.*) The jurisdiction of the respective county courts and the circuit court shall be concurrent.

SEC. 5. [During compliance with conditions, sentence may be suspended.]

SEC. 6. (*Repeal.*) Chapter 171 of 1905 is repealed.

### PENNSYLVANIA

The first juvenile court law of Pennsylvania was passed in 1901 (No. 185); and later in the year was passed the detention-house law, No. 297. The former law was in

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<sup>3</sup> After the phrase in the Oregon section relating to the surrender of the child to the organization, come the words, "to be taken and cared for . . . to put into a family home." (The Ohio section, instead of "to put," reads "or put.")

## JUVENILE COURT LAWS SUMMARIZED

### PENNSYLVANIA

1903 declared unconstitutional, and was shortly afterward repealed by the act that follows.<sup>1</sup>

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*An act defining and providing for the powers of courts of quarter sessions of the peace, in cases of dependent, neglected, incorrigible, and delinquent children under 16.*

[L. 1903, No. 205.]

(*Preamble.*) [Preamble declaring that criminal law processes against children are not advisable; that juvenile offenders should be wisely controlled, not imprisoned; and that the courts' powers, as to children described as above, should be distinct from their criminal law powers.]

SECTION 1. (*Jurisdiction. Definitions.*) The courts of quarter sessions of the peace, within the several counties of Pennsylvania, shall have full jurisdiction over such children, under 16.<sup>2</sup> "Dependent child" and "neglected child" shall mean one destitute, homeless, abandoned, a public charge, or lacking proper parental care; "incorrigible child," one charged by parent or guardian with being unmanageable; "delinquent child," one charged with violation of state law or municipality ordinance.

(*Juvenile court.*) One or more of the judges may be assigned for duty at a session of said court to be known as the juvenile court, separate from any session for general criminal or other business, and with a separate docket.

SEC. 2. (*Petition.*) The court may take action upon the petition of any resident of the county, setting forth that a child is neglected, dependent, or delinquent, and needs the care and protection of the court; and whenever (a child having been arrested for an indictable offense) the committing magistrate or the district attorney shall certify that in his opinion criminal prosecution is not required; and whenever, upon the trial of such delinquent, the judge considers a criminal conviction unnecessary.

(*The court's powers.*) Thereupon the juvenile court judge may compel the production of the child, and the attendance of parents and all in parental relation to him; and pending the final disposition of a case, he shall be subject to the court's order.

SEC. 3. (*Probation officers.*) The court shall appoint one or more probation officers, unpaid.<sup>3</sup> They shall make investigations, and otherwise assist the court, as it may direct; attending the trial, and taking charge of the child before and after.

SEC. 4. (*Commitment. Order of support.*) The court may commit the child to his parents (subject to a probation officer) or to some suitable association or citizen, or some school or other suitable institution; and may order his parents to contribute to his support;<sup>4</sup> and whenever a delinquent child shall be discharged from a reformatory institution, the court shall be advised thereof, and shall cause the fact to be duly recorded.

SEC. 5. (*Award by court. Guardianship of the person. Adoption.*) If a dependent child be awarded to an association or individual, the child's person (but

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<sup>1</sup> See sec. 12.

<sup>2</sup> L. 1903, No. 65, provides that all commitments of children under 16 to institutions of correction or reformation shall be made by the court of quarter sessions.

<sup>3</sup> Recently amended to provide for *paid* officers. (L. 1909, No. 51.)

<sup>4</sup> Cf. L. 1907, No. 238. Also No. 4.

## A SUMMARY OF JUVENILE COURT LAWS

### PENNSYLVANIA

not his estate) shall come under guardianship. The custodian shall have authority to place him in a suitable family home, and may authorize his adoption.

SEC. 6. (*Disposition of delinquent children.*) [See Ohio, the act of 1902, sec. 9, through the words "in such a home"; *supra*.] Other commitments authorized are to a suitable institution for delinquent children, or to any duly incorporated society caring for dependent<sup>6</sup> or delinquent children.

SEC. 7. (*No confinement with adult convicts.*) No child, pending a hearing, shall be confined in any jail, police station, or institution to which adult convicts are sentenced.

SECS. 8<sup>7</sup>-10. (*Adoption.*) No order for commitment shall extend beyond the age of 21.<sup>8</sup> The religious belief of the parents shall be duly regarded. The child shall receive quasi-parental care, custody, and discipline; and whenever practicable, shall become a member of some approved family, by legal adoption or otherwise.

(*Age minimum.*) No delinquent child under 12 shall be committed to any institution of correction or reformation, unless, after probation, for the child's best interests and the public welfare.

(*Commitments to institutions. Trial, upon indictment.*) No neglected or dependent child, who is [not?] delinquent, shall be committed to any institution of correction or reformation in which delinquent children are received, nor shall any delinquent child be committed to any institution receiving dependent<sup>9</sup> or neglected children.

SEC. 11. Nothing herein shall derogate from the powers of the courts of quarter sessions, and of oyer and terminer, to try a delinquent child upon indictment.

SEC. 12. (*Repeal.*) The juvenile court act of 1901 [No. 185], and all acts or parts of acts inconsistent herewith, are repealed.

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*An act to supplement the above act.<sup>9</sup>*

[L. 1907, No. 208.]

SECTIONS 1-4. (*Fees and expenses of sheriff, constable, etc.*) The probation officer may call upon the county sheriff for assistance in service and execution of process and orders of court. The former shall duly certify, to the juvenile court, as to the latter's fees and expenses, and the court shall pass upon them. [Other fees and expenses similarly provided for.]

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<sup>6</sup> But see secs. 8-10, ¶ 3, *infra*.

<sup>7</sup> Sec. 8 has been subsequently amended. (L. 1909, No. 73, relating to certain court orders, their extension until the cases attain to 21; and providing for the duration, until 21, of the probation of certain minors.)

<sup>8</sup> Cf. L. 1909, Nos. 36, 73.

<sup>9</sup> But see sec. 6, *supra*.

<sup>9</sup> For another supplement, a penal act,—relating to contributors to delinquency of "any minor to whom the jurisdiction of any juvenile court within this Commonwealth has attached, or shall hereafter attach"; and to those assisting a minor to violate parole, or any order of said court;—see L. 1909, No. 241.

## JUVENILE COURT LAWS SUMMARIZED

### RHODE ISLAND

*An act to establish juvenile houses of detention.<sup>10</sup>*

[L. 1901, No. 297.]

SECTIONS 1-9. (*Houses of detention. Age limit.*) Every city of the first or second class<sup>11</sup> shall contain, for pending cases, under 16, of juvenile offenders and neglected and dependent children, a house of detention, which shall be managed by a board of five (two of whom shall be women) to be appointed by the appropriate courts<sup>12</sup> of oyer and terminer, and of quarter sessions of the peace.

(*Managers. Caretakers.*) Managers shall serve without pay, and shall hold office for two years. They shall appoint a man and woman as salaried caretakers of house and inmates.

(*Accommodations. Other disposition.*) The number of children in any one building shall be limited to twenty-five; and if possible, each child should have a separate room. An additional house shall be provided, if necessary. Children need not be committed to the house of detention, should the probation officer deem expedient some other disposition of them.

(*Expenses.*) Managers and maintenance expenses shall be paid by the county.

### RHODE ISLAND

"The Session for Juvenile Offenders," for the trial of minors under 16, in Providence and Newport counties, ("a separate docket and record" to be kept), was provided for by chapter 581 of the Public Laws, in 1898. This chapter was superseded and repealed by chapter 664,<sup>1</sup> in 1899. ("An act relating to juvenile offenders and providing for the appointment of probation officers.")

An act in 1878 (ch. "683"), amongst other provisions, prescribed punishment (including forfeiture) for any custodian who should encourage a charge under 16 to engage in any "vocation injurious to" his "health or morals"; and this provision is embodied in the General Laws, 1909, in sec. 4 of ch. 139. For an enactment directed explicitly against contributors to the delinquency of children under 16, see sec. 9 of said ch. 139,—*infra*.

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### CHAPTER 664.<sup>2</sup> (1899.)

SECTION 1. (*Separate arraignment and trial. Exception.*) A minor under 16, charged with crime or misdemeanor, shall be arraigned and tried apart from other

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<sup>10</sup> Under L. 1903, No. 98, each county must provide separate quarters for the exclusive use of all children under 16, awaiting trial or hearing in the courts of the county.

<sup>11</sup> First class: Population, 1,000,000 or over. (Philadelphia.) Second class: Population, 100,000 to 1,000,000. (Pittsburg, Scranton.)

<sup>12</sup> For schools, in counties from 750,000 to 1,200,000, for boys committed by the juvenile courts, see L. 1909, No. 195. (Such a school shall be established on the cottage home plan, and shall be open the entire year. It shall receive boys upon the commitment of the juvenile court of "such county"; and upon duly arranged commitments by juvenile courts of other counties.)

<sup>1</sup> Represented in ch. 351 of the "General Laws . . . Revision of 1909." (Official.)

<sup>2</sup> Amendments in 1903 and 1906, and partial repeal in 1906, are noted.

## A SUMMARY OF JUVENILE COURT LAWS

### RHODE ISLAND

offenders; but not if connected with an older person in the commission of the offense.

SEC. 2. (*As amended by ch. 1116, in 1903.*) [Costs in juvenile cases.]

SEC. 3. (*Commitment. Placement under probation officer.*) Prisoners under 16 in default of bail may be duly committed for trial. A probation officer hereunder may serve as custodian; and such juvenile offender may at any time before sentence be placed on probation.

SEC. 4. (*Segregation of juveniles.*) Juveniles under arrest shall not be transported or confined with non-juveniles.

SEC. 5. (*As amended by ch. 1360, in 1906.*) (*Probation officer.*) The board of state charities and corrections may appoint a state probation officer; and assistants (at least one woman) may be appointed. Expenses must before payment be approved by said board. [Compensation not referred to.]

SEC. 6. (*As amended by ch. 1116, in 1903.*) [Commitment fees.—Travel.]

SEC. 7. (*Probation.*) Bailable offenders, juvenile or adult (except persons charged with treason against the state, murder, robbery, rape, arson, or burglary), may be "provisionally" placed on probation, the officer to have the rights of a surety on a recognizance.

SEC. 8. [Repealed by ch. 1360, in 1906.]

SEC. 9. [Repeal of ch. 581, referred to *supra*, etc.]

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(*Custody of girls, by agreement. Females on probation.*) Under "An Act in relation to the State probation officer and his custody of females" (ch. 1367,<sup>3</sup> enacted in 1906), the officer may, by stated written agreement, assume, in behalf of the state, the care and custody, for not more than six months, of any girl under 16,—not losing the right to surrender her at any time. He may in his discretion provide for such girls, and for females committed to his custody by the court, apart from their families, reporting quarterly to the state auditor.

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#### [GENERAL LAWS, REVISION OF 1909.]

Chapter 139 ("Of Wrongs to Children"); Sec. 9,—representing Public Laws, Ch. 1544 (1908), "An act providing for the punishment of any person<sup>4</sup> responsible for or contributing to the delinquency of any juvenile."

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<sup>3</sup> Represented by ch. 352 of the General Laws, 1909.

<sup>4</sup> Cf. General Laws, 1909, ch. 140,—"Of provision for the support of delinquent, neglected, or dependent children by the parent or person having the custody or control of such children." (Judicial procedure in district court against parent or other custodian.)

That the district court shall assign the custody of minor children under 17, in certain classes of neglect or delinquency (the statute not, however, employing the latter term), to the Rhode Island Society for the Prevention of Cruelty to Children, "for such period as shall seem fit to said court,"—see *ibid.*, ch. 139. (Cf. *ibid.*, ch. 248.) And that the probate court shall commit certain classes of dependent or neglected children under 14 to the "State Home and School for Children," to remain until 18, unless otherwise ordered by the board of control of the institution,—see *ibid.*, ch. 102.

## JUVENILE COURT LAWS SUMMARIZED

### SOUTH CAROLINA

Whoever knowingly or wilfully contributes to [cause], or in any way causes, any child under 16 to violate any state law or municipal ordinance, or to be guilty of any vicious or immoral conduct; or, being the parent or other custodian of any such child, permits or suffers him to associate habitually with the depraved, or to grow up in ignorance, idleness, or crime, or to roam the city streets at night upon no lawful business, or to enter a house of ill fame, gambling place, or liquor saloon, shall be guilty of a misdemeanor, punishable by fine not exceeding \$500, or by imprisonment not exceeding one year.

### SOUTH CAROLINA

[*Probably no Juvenile Court legislation, through 1909.*]

### SOUTH DAKOTA

"Revised Political Code," 1903 (in the *Compiled Laws*, 1908, Vol. I).

#### CHAPTER 28.

##### *Homes for Dependent Children.*

SECTION 3205. (*Petition. The various allegations thereof. Verification. Notice and citation. Hearing. Order of court.*) Whenever a person petitions the "circuit court"<sup>1</sup> or county court of any county that therein is any child who is a county charge; or a child of one infirm, indigent or incompetent; or a child of one to some degree a public charge; or "any child having no suitable home or abode"; or a child having vicious, corrupt or immoral parents or in the custody of such people or surrounded by such influences; or a child whose parent or guardian is an habitual drunkard or idler or a person of notorious and scandalous character or a reputed thief or prostitute or [one] who habitually permits the child to frequent public places for begging or securing alms or to frequent the company of reputed thieves or prostitutes, with or without such parent or guardian, or [who] by any other act [or?] example, or by vicious training, depraves the child's morals; or a child employed to lead the blind on the streets, for begging; or a child performing music (or singing) in liquor places or on the streets; or a child of one confined in any penal or charitable institution of the state; or a child in the possession of a person not his parent or lawful guardian, or next of kin; and that a permanent home should be provided for the child; [the petition?] setting forth the ground for "such request," [and being duly?] verified;—the county or "circuit"<sup>1</sup> court shall cause a notice and citation to be given to the parents or guardian or custodian, citing the aforesaid to appear [duly], [and requiring?] the same to show cause against the petition; [and] if upon the hearing the court shall consider that the child in his best interest should be removed from parents, guardian, or custodian, the court shall direct the surrender of the child to a society incorporated under South Dakota laws for the purpose of securing homes for destitute children.

SEC. 3206. (*Object of proceeding.*) The object of this "article" is to provide permanent homes for dependent, neglected and ill-treated children during their minority,<sup>2</sup> and the managing board of the aforesaid society is "hereby" made the

<sup>1</sup> Cf. L. 1909, ch. 298, secs. 1, 2,—*infra*.

<sup>2</sup> Minors are males under 21; females, under 18.—The Civil Code, sec. 10. (In *Compiled Laws*, 1908, v. 2.)

## A SUMMARY OF JUVENILE COURT LAWS

### SOUTH DAKOTA

child's legal guardian. The guardianship shall continue during minority, except where under this "article" it may be cancelled by such board.

SEC. 3207. (*Retransfer of child to parents.*) [On petition of parents, to the board, it may return the child; and when it shall file a copy of its resolution with the court of the original proceedings, the guardianship shall terminate, and the parents resume their former status.]

SEC. 3208. [Placement in a family home.—Adoption.—Indenture.]

SEC. 3209. [Service of petition and citation.]

SEC. 3210. [Appeal from order appointing or refusing to appoint guardian.]

SEC. 3211. [Judicial custody of child "until the hearing and determination of the proceeding."]

SEC. 3212. [Publication of citation and notice.]

SEC. 3213. [State's attorney.—Petitioner's private counsel.—Costs.]

SEC. 3214. [Petition to court, by society incorporated under certain articles of the Civil Code, with the object of regaining possession of a ward, of the society, placed by it in a family home.—Procedure.—Hearing.—Order of court.]

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*An act to define contributory dependency and contributory delinquency, and to make the same a misdemeanor, and to provide for the punishment of persons guilty thereof.*

[L. 1909, ch. 275.]

(*Description of offense. Penalty.*) Any person causing, encouraging, or contributing to, the dependency or delinquency of a child, as these terms with reference to children are defined by South Dakota statutes,<sup>3</sup> or for any "cause" being responsible therefor,—shall be guilty of a misdemeanor, punishable by fine not exceeding \$500, or imprisonment in the county jail for not more than one year, or by both. When the charge concerns a child's dependency, the offense for convenience may be termed contributory dependency; when it concerns a child's delinquency, for convenience it may be termed contributory delinquency.

SEC. 2. (*Suspension of sentence.*) The court may suspend sentence, stay execution, or release from custody any person found guilty, in any case under this act, upon conditions imposed by the court in accordance therewith.

SEC. 3. (*Conditions of suspended sentence.*) (a) Such conditions "may include" the following: Any person found guilty, under this act, of contributory dependency, may be required [duly] to give bond in not more than \$1,000, for the payment of not more than \$20 monthly, for the child; to be [duly] expended, under the orders of the court.

(b) A child may be permitted to remain in the custody of the person so found guilty, under such suspended sentence, upon such conditions for the treatment and care of the child as may seem to the court to be for the child's best welfare, or as may be calculated to secure obedience to the law or to remove the cause of such dependency or neglect; and while the defendant complies with such conditions, the sentence may remain suspended subject to enforcement upon violation of any of the conditions imposed by the court; and the bond may be forfeited upon a failure to comply with any

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<sup>3</sup> Cf. L. 1909, ch. 298, sec. 1, *infra*.

## JUVENILE COURT LAWS SUMMARIZED

### SOUTH DAKOTA

such conditions, as well as upon the failure to pay any amount required for the child's maintenance.

SEC. 4. (*Recovery on the bond. Application.*) As a part of the conditions of "any such bond mentioned in Section 3" it shall be understood that there need not be a separate suit to recover the penalty of any such bond which has become forfeited. [Procedure for recovery, in such a case.] Any collections on the bond shall be turned over to the clerk of the county court ("juvenile court") of the county in which the bond "is" given, to be applied first to the payment of all court costs, and then for the child. Any such collections unnecessary for the latter purpose shall be [duly] turned over to the county treasurer.

SEC. 5. (*Violation of conditions of suspended sentence.*) In the case of a person found guilty of contributory dependency or contributory delinquency, where the court has suspended sentence on conditions, [if] the court shall consider, at any time during such suspended sentence or stay of execution, that "it" [sentence or execution?] ought to be enforced, the court may thereupon enforce the same,—any jail sentence to commence from the date upon which "such" sentence is ordered to be enforced.

SEC. 6. (*Sentence may become inoperative at the end of two years from imposition. Proviso.*) In the case of a person found guilty under this act, no sentence shall be suspended [with power of revival?], or final judgment or execution stayed, to exceed two years. [Under certain circumstances] the court may suspend "such" sentence indefinitely, in which case "such" person shall be finally released and discharged, as he shall be in any event "at the end of two years from imposition of any such sentence;" provided, that any defendant actually serving a jail sentence imposed under this act and enforced before the expiration of said two years in accordance with this act, shall not be finally discharged until the expiration of "any such sentence."

SEC. 7. (*Complaints and prosecutions.*) Probation officers having the powers of sheriffs or police officers, as well as state's attorneys, may file complaints and prosecute any such case. The county prosecuting officer representing the people shall prepare such complaints and prosecute such cases for the probation officer when so requested by him or the judge of the juvenile court; but nothing herein shall interfere with any such county prosecutor prosecuting such cases under this or any other act as in other criminal cases.

SEC. 8. (*Jurisdiction. Appeal.*) The county courts of the respective counties shall have exclusive original jurisdiction of all prosecutions hereunder. An appeal shall lie to the circuit court, the procedure following that provided for appeals in criminal causes from the justice courts to the circuit court.

SEC. 9. (*Construction.*) (a) In order to convict it shall not be necessary to prove that "the" child has actually become dependent or delinquent, if the evidence shows that through any act of neglect or omission of duty or by any improper act or conduct on the part of the defendant the dependency or delinquency of "any" child "may have been caused or merely encouraged."

(b) Act shall always be liberally construed in favor of the state to protect the child from neglect or omission of parental duty by the parents, as well [as] also to protect the children "of the state" from the improper conduct, acts, or the bad example (of any persons), which may be calculated to cause, encourage, or contribute to, the dependency or delinquency of children, although such persons are not related to the "child."

## A SUMMARY OF JUVENILE COURT LAWS

### SOUTH DAKOTA

(c) Nothing in this act shall conflict with, or repeal or prevent proceedings under, any act of South Dakota which may have otherwise defined any specific offense of any person as a crime of any character, which offense might also constitute contributory delinquency<sup>4</sup> or contributory dependency,—or shall prevent or interfere with proceedings “under any such acts;” nor shall be inconsistent with or repeal any act providing for the support by parents of their minor children, or providing for the punishment of cruelty to children<sup>5</sup> or [etc.]. Nothing “in any such acts or similar acts” shall repeal this act, but wherever there shall be more than one prosecution for the same offense under whatever statutes of the character herein described, the fact may be given in evidence to the court, and may be, in his discretion, considered in mitigation of any sentence in any such cases.

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*An act relating to children dependent, neglected, or delinquent; to define these terms; and to provide for the treatment, control, maintenance, protection, adoption and guardianship of such children.*

[L. 1909; ch. 298.]

SECTION 1. (*Dependent child. Neglected child.*) For the purpose of this act “dependent child” and “neglected child” shall mean any child coming within Chapter 28,<sup>6</sup> Sections 3205 to 3214, Revised Political Code 1903, and any amendment of the general statutes of this state concerning dependent children; and the proceedings as to the care of dependent children in the courts shall be as provided in said chapter, and any amendment thereto.

(*Delinquent child.*) *Delinquent child* shall mean any child who, while under 18,<sup>7</sup> violates any law of this state; or is incorrigible, or intractable by parents, guardian or custodian; or knowingly associates with the vicious or immoral; or without cause and without [proper] consent absents himself from his home or place of abode; or is growing up in idleness or crime; or, being of compulsory age, fails, without proper reason, to attend school regularly; or repeatedly plays truant; or does not regularly attend school and is not otherwise regularly occupied, but idles away his time; or knowingly visits a house of ill-repute or gaming place; or patronizes or visits any liquor place or public pool room; or frequents or patronizes any wine room or dance hall run in connection with or next to a house of ill-fame or saloon, or, with one of the opposite sex, any place where liquors may be bought at night, after nine o’clock; or is found alone with one of the opposite sex in a private room of any restaurant, lodging house “or other place” at night time; or goes to any secluded place or is found alone in such place, with one of the opposite sex, at night time, with the evident purpose of concealing their acts; or idly roams the streets at night, or habitually roams about railroad property or jumps, or attempts to jump, onto any moving train; or enters any car or engine without lawful authority; or writes or uses vulgar, profane or indecent language; or uses tobacco in any form; or drinks intoxicating liquors “at any place other than their own home;” or is guilty of indecent or immoral conduct.

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<sup>4</sup> Cf. L. 1903, ch. 88.

<sup>5</sup> See *supra*.

<sup>6</sup> In cases of juvenile *dependency*, the age limit appears to be under 18, if a girl, under 21, if a boy.—See Revised Political Code, 1903, sec. 3206, *supra*.

## JUVENILE COURT LAWS SUMMARIZED

### SOUTH DAKOTA

(*Status of cases.*) All proceedings under this act shall be brought by petition on behalf of the state and in the interest of children and state, but with due regard to rights of parents and others directly interested; children shall be dealt with, protected and cared for as state wards.

(*Limitation of evidence.*) No disposition of a child under this act, or evidence in the cause, shall in any [other?] court proceeding be evidence against the child save in later cases against him, hereunder; nor shall any child's name in connection with any proceedings hereunder be published in any newspaper, without a written order of court.

SEC. 2. (*Jurisdiction.*) The county courts shall have original jurisdiction in all proceedings coming within this act.

SEC. 3. (*Juvenile court.*) The court's finding shall be entered in the "Juvenile Record," and the court may for convenience be called the "Juvenile Court."

SEC. 4. (*Delinquent children. Petition. Procedure.*) All proceedings hereunder concerning delinquent children shall be by petition, filed by any reputable person. [Provisions as to petition, notice, service of notice, waiver of notice, hearing, finding, etc.]

SEC. 5. (*Warrant. Guaranty. Children under 15.*) For good and sufficient reason, in the court's opinion, a warrant may be issued for the child's apprehension pending the hearing [or] trial, but the court or officer may accept the verbal or written promise of the parent or guardian notified under sec. 4, or other custodian, to be responsible for presence of child at the hearing, or at any other time to which the hearing may be adjourned. In default (of the child's appearance) without reasonable cause therefor, the guarantor may be proceeded against, as in contempt cases, and punished; and where any such child shall have failed to appear, as required by the court or its officers, any warrant issued in such case may be executed as in other cases; but no child within this act <sup>7</sup>, under 15, shall be placed in any common jail<sup>1</sup> or lock-up, and a violator of this provision shall be guilty of a misdemeanor finable in not more than \$100. (In counties of over 50,000<sup>8</sup> a proper detention room or house shall be provided.)

(*Security for appearance. Counsel.*) Any such child proceeded against under this act may give security for appearance at the trial, and the court may, "in such case," appoint counsel to appear and defend on behalf of "any such child."

SEC. 6. (*Transfers from justices and police magistrates. Recourse to criminal procedure.*) Any arrested child under 17 shall be taken directly before the county court; or, if taken before a justice or police magistrate, he shall transfer the case to the county court, which may proceed to dispose of it as if the child had been brought in on petition; or, when necessary, where the delinquency charged would otherwise constitute a felony, the county court may order proper custody until an information or complaint may be filed as in criminal cases.

SEC. 7. (*Probation officers (unpaid). Duties.*) The county courts may appoint any number of probation officers (unpaid). The probation officer shall be notified when any child is to be brought before the court; he shall investigate the case; be present in court to represent the child when the case is heard; and inform and assist the court, and take charge of any child before and after the hearing, as the court may require.

<sup>7</sup> Cf. sec. 6, *ad fin.*; also the penal code, sec. 800, and the code of criminal procedure, sec. 770,—in *Compiled Laws*, 1908, in v. 2.

<sup>8</sup> Provision probably not yet applicable to any county.

## A SUMMARY OF JUVENILE COURT LAWS

### SOUTH DAKOTA

(*Police authority.*) The probation officers provided for by this act are hereby vested with all the power and authority of police or sheriffs to make arrests, etc.

The appointment of a probation officer, and his oath, shall be filed in the office of the clerk of the county court.

SEC. 8. (*Disposition of delinquent children.*) Any child under 18 found delinquent by the court<sup>9</sup> may be allowed to remain at home subject to the friendly visitation of a probation officer, the child [duly] to report to court or officer, and if parent or custodian consent, or [under certain circumstances] as further found by the court, and if the court shall further find that the child should be taken from his parents or custodian,—the court may appoint “some proper person or probation officer” guardian over the person of such child, and permit the child to remain at home, or order the guardian to have the child placed in some suitable family home;<sup>10</sup> or the child may be [duly] committed to some institution (including a detention home) or association. [Provisions in cases of commitment to an institution or association.]

SEC. 9. (*Supervision by state board of charities and corrections. Certificate. Authority of court.*) All institutions or associations receiving children hereunder shall be subject to supervision by the state board of charities and corrections. When satisfied of an association’s or institution’s competency, the board shall issue a certificate valid for one year, unless sooner revoked. (No commitment where no certificate within “eighteen” months.) Associations may be required to report to court, and the court need never commit to an institution or association whose standing is not satisfactory to the court.

SEC. 10. (*Incorporation of association.*) No child-helping association shall receive a certificate of incorporation from the secretary of state unless there shall be first filed with him the commendatory certificate of the state board of charities and corrections. Notice of the proposed organization of such an association shall be served on similar associations or institutions approved and in operation, and they shall have a right to be heard before the said certificate shall be issued.

SEC. 11.<sup>11</sup> (*Guaranty by foreign corporations. Penalty.*) No foreign corporation shall place a child in any family home in South Dakota, unless it shall have guaranteed said state board that no child “may” be imported, by such corporation, having any contagious, infectious, or incurable disease, or who is deformed, feeble-minded, or vicious; and that it will promptly deport any child, imported by “its agent,” which shall become a public charge within five years thereafter. [Penalty to be imposed on any person receiving for placement, or placing, any child in behalf of any foreign corporation, not having complied with this act.]

SEC. 12. (*Religious preference.*) As far as practicable, a child “may” be committed to an individual, or to an association controlled by individuals, of the religious belief of the parents.

SEC. 13. (*County boards of visitors.*) The county judge of each county may appoint a board of six unpaid visitors, to visit as often as once a year all institutions and associations receiving children hereunder. The board shall report to the court, and annually to the said state board.

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<sup>9</sup> It is noticeable that the termination of the authority of the court hereunder appears to have been left, in some circumstances, to legal interpretation or undetermined.

<sup>10</sup> Cf. sec. 16, *infra*.

<sup>11</sup> *Superseding in part L. 1903, ch. 89?*

## JUVENILE COURT LAWS SUMMARIZED

### TENNESSEE

SEC. 14. [“Officers of Courts.” (Limitations on the taxing or collecting, and on the payment, of fees.)]

SEC. 15. [Annual “Reports of the Juvenile Court” to the state superintendent of public instruction; not disclosing name or identity of child or parent.]

SEC. 16. (*Construction.*) This act shall be so construed that the care, custody and discipline of the child shall be quasi-parental, and, in all cases of dependency, where proper, that the child shall be placed in an approved family home, and become a member of a home and family by legal adoption or otherwise,—and that as far as practicable any delinquent child shall be treated, not as a criminal, but as misguided and in need of encouragement and assistance, and if “such” child cannot be properly cared for and corrected in his own home, “or with the assistance and help of the probation officers,”<sup>12</sup> that he may be placed in a suitable institution where he may be helped<sup>13</sup> and educated and equipped for industrial efficiency and useful citizenship.

SECS. 17, 18. [Support orders. See Illinois, the juvenile court law, secs. 22, 23, *supra*.]

SEC. 19. (*Guardianship of person.*) Nothing herein shall give the guardian hereunder the guardianship of the child’s estate, or change [diminish?] the age of minority<sup>14</sup> for any other “person” [purpose], except the custody of the child.

SEC. 20. [Appeals to the circuit court.]

SEC. 21. (*Contempt of court.*) Any person who shall interfere with the disposition of any child under any court order made hereunder, or with any probation or other officer of the court in carrying out any such order, shall be held to be in contempt of court and subject to punishment therefor.

### TENNESSEE

#### “TENNESSEE JUVENILE COURT LAW.”

#### “AN ACT concerning delinquent children.”

[L. 1905, ch. 516. *As amended by L. 1909, ch. 474.*]

SECTION 1. Act applies only to children under 17.

(*Definition.*) [For definition of “‘neglected child’ or ‘delinquent child,’” see “Delinquent child,” in Colorado, L. 1903, ch. 85, in sec. 1, *supra*. *Add:* Or whose home through fault of parent or custodian is unfit; and any child under 14 found begging or peddling, or performing music on the street, or giving any public entertainment, or who aids anyone so doing.]

(*Evidence.*) No disposition of a child under this act, nor any evidence in the cause, shall be legal evidence against him, save in later cases against him hereunder.

Jurisdiction once acquired shall continue until the child’s majority.

SEC. 2. (*As amended in 1909.*) (*Jurisdictional courts.*) Any judge of a criminal, circuit or county court, or chairman of a county court, of the several counties,<sup>1</sup>

<sup>12</sup> Does this provision import placement in a suitable family home? Cf. sec. 8, *supra*.

<sup>13</sup> It does not appear that the age of minority of females has been affected by this act.—See note 2, *supra*.

<sup>1</sup> But this broad phrasing is radically limited by sec. 12, *infra*.

## A SUMMARY OF JUVENILE COURT LAWS

### TENNESSEE

shall have jurisdiction in all cases within this act.<sup>2</sup> [The act of 1909 adds here:] "Except in all counties having a population of 150,000 . . . the trial of said causes in said counties to be before the tribunal and in the manner provided by Section 12 thereof as herein amended." [Shelby is the only county at present within this exception.]

[Provisions for "The Juvenile Record," and "Docket."]

(*Juvenile court.*) The court in the trial and disposition of such cases may be called "The Juvenile Court." Juvenile delinquent cases shall be reported annually to the county court by the clerks of the several courts; but neither the name nor identity of any child or parent shall be disclosed.

SEC. 3. (*Petition. (Information or complaint.)*) (Any reputable resident, knowing of "a neglected child" in his county, may file a petition. The acts charged shall be stated, as constituting the child a juvenile "delinquent."

SEC. 4. (*Fees. Procedure against child. Exceptions.*) [Delinquent children cases. Restricting the taxing and collecting, and the payment by a county, of fees, unless the child be proceeded against in a certain manner, "except in capital cases, or where the court shall direct a prosecution under the criminal code, or"] (etc.).]

SEC. 5. (*The child to be in court. Proviso. Penalty. Exception. Detention quarters.*) [See Colorado, *ibid.*, sec. 6. Children charged with felony are excepted, in Tennessee, from the prohibition of jail detention of children under 14.] The county court shall provide detention accommodations, separate from the jail, for all children within the act.

SEC. 6. (*As amended in 1909. (Transfers by justice or police magistrate. Felony; etc. Detention.)*) An arrested child under 17 shall be taken directly before the judge of the courts set out in sec. 2, or, in cases within sec. 12, before the judge of the tribunal provided therein, or, if taken before a justice or police magistrate, shall be transferred to "a court having proper jurisdiction thereof." The latter may proceed with the case, or, where the delinquency charged would otherwise constitute a felony, or when said court is not in session, or a continuance is sought (and granted) upon the part of the delinquent, may detain the child "until an information or complaint may be filed as in other cases under this Act or the laws of the State."

(*Provisos.*) Nothing herein shall confer jurisdiction upon any justice, or police court, to try a child under 17, except where said police court shall also exercise the functions of a juvenile court in accordance with sec. 12; and, except in cases of felony, no confinement, on account of the court not being in session, or "for the purpose of filing" [pending the filing of?] proper information under this act, shall be elsewhere than in a separate place of detention as provided thereby, or for more than five days from the date of arrest, except where a continuance, by or for the delinquent, be sought.

SEC. 7. (*As amended in 1909. (Probation officers. Duties. Powers.)*) "Such courts of the several counties" may appoint probation officers; to receive no compensation (except in counties of 150,000, as provided in sec. 12). [For their duties, see Colorado, *ibid.*, in sec. 8.] They are vested with all power and authority of sheriffs to make arrests, etc.

SEC. 8. (*Disposition of delinquent children.*) [Greater part of section similar to Ohio, sec. 9 of the act of 1902, through the words "appropriate state institution," *supra*.] No commitment shall extend beyond 21.

(*Parole. Discharge.*) A child committed to "any such" institution may be

<sup>2</sup> See sec. 12, *infra*.

## JUVENILE COURT LAWS SUMMARIZED

### TEXAS

by the court paroled, or discharged from custody, or committed to some suitable association for neglected or delinquent children.

SEC. 9. (*Certificates issued to organizations by the county court.*) All organizations receiving children under this act shall be supervised by the county court, through committees.

The court, if duly satisfied of an organization's qualifications, shall issue a certificate to that effect, valid, unless revoked, for one year.

SEC. 10. [Repeal.]

SEC. 11. (*Construction.*) [See Colorado, *ibid.*, secs. 11-13 (sec. 12).]

SEC. 12. (*As amended, after an amendment in 1907, in 1909.*<sup>3</sup> (*Counties of 100,000. Counties of 150,000. Jurisdiction of city judge.*) This act shall apply only to counties of 100,000 [Davidson, Shelby]; and in all counties of 150,000 [Shelby], the city judge of the county seat shall be vested with all the rights and powers to try, and dispose of, juvenile delinquents or offenders "with the same rights and powers vested in the other Judges" set out in sec. 2; *provided*, said city judge shall hold his court for the trial of juvenile offenders in and at a separate place and time from the courts for other offenders. The city government shall appoint a clerk (the city court clerk is appointable) to act as clerk of the court when it tries juvenile offences; and he shall keep a record of all juvenile cases tried and disposed of.

(*Probation officers. Compensation allowable.*) The city government also may designate and appoint not exceeding five members of the city police as "'probation officers,'" in addition to their regular duties as officers of the peace. The compensation of the judge of the juvenile court, of the clerk, and of the probation officers [is] to be such, in addition to their other compensation, as the city may allow.

(*Authority of city judge. Binding over.*) "In all counties within the provisions of this section" [meaning, apparently, *in all counties of 150,000*] "said" city judge may commit "it" [,] and deal with [,] juvenile delinquents "in the same manner as any of the other Judges provided for in Section 2 of Chapter 516, Acts of 1905," and may deal with habitual offenders or delinquents guilty of severe infractions of the law in the same manner as adult offenders are dealt with under the law; and in all cases where said city judge shall bind such juvenile offenders over for trial in the circuit or criminal courts, said circuit or criminal courts may try, and punish, the offenders in "other" [?] cases.

(*Place of detention.*) The municipal authorities of the county seats embraced in this section may prepare and maintain at their own expense a proper place of detention for juvenile delinquents pending their trial, or coöperate with the county authorities in providing and maintaining such place of detention.

SEC. 13. [When act to take effect.]

### TEXAS

In 1907 acts relating to dependent and neglected and to delinquent children (chapters 64 and 65), and an act providing for the punishment of persons "contributing to the delinquency or neglect and dependency of children" (ch. 109), were passed.

<sup>3</sup> Considering this section in connection with sec. 2 (as amended), one may conclude that the jurisdiction of the city judge of the county seat (Memphis) of Shelby county, over the trial of minor causes, and the binding over of major causes, throughout Shelby county, within "this act," is probably in many respects exclusive.

## A SUMMARY OF JUVENILE COURT LAWS

### TEXAS

The *Dependent and neglected children* act (applicable to children under 16) resembles the statute of this description in Colorado, *supra*, L. 1907, ch. 168.

(*Jurisdiction.*) The (Texas) county and district courts of the various counties have original jurisdiction, and shall at all times be deemed in session for the disposal of all cases within this act, and when so sitting may be known as the "juvenile court." (No provision for appeals appears to have been made; nor for adoption; nor for guardianship conforming to the religious faith of the parents. There is no "liberal construction" clause.)

The *Delinquent child* act (L. 1907, ch. 65) in general resembles chapter 85 of the Colorado laws of 1903, *supra*.<sup>1</sup>

(*Age limit.*) The Texas age limit is *under 16*, according to the definition of "delinquent child," but, on the other hand, section 5 of the act provides that an arrested child "sixteen years of age or under" shall be taken before or transferred to the county or district court.

(The act does not contain any provisions limited to counties of certain classes or of a certain minimum of population. The provision in section 7 of the Colorado statute, "where the delinquency charged would otherwise constitute a felony," is not found in the Texas act.)<sup>2</sup>

(*Jurisdiction.*) The county and district courts of the several counties have jurisdiction in all cases within this act, and for their disposal shall at all times be deemed in session. (During such disposal the court may be called the "juvenile court.")

(*Separation from other prisoners.*) No child shall be incarcerated in any compartment of a jail or lockup in which persons over 16 are being detained.

(*Probation officers.*) Only the *county* judges of the several counties are in terms authorized to appoint probation officers. There is no provision for paid probation officers.

No "costs or expenses incurred in the enforcement of this act shall be paid by the state."<sup>3</sup>

(*Contributors to juvenile delinquency or dependency. Penalty.*) Chapter 109 of 1907 provides that whoever is responsible for or contributes to the statutory delinquency or dependency of a child shall be guilty of a misdemeanor, punishable by a fine not exceeding \$1,000 or by imprisonment for not more than one year or by both. Judgment may be suspended during compliance with conditions imposed.

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L. 1909, ch. 54, includes an amendment of Article 1145 of Title XVII of the Code of Criminal Procedure, as adopted in the *Revised Statutes of 1895*.

(*Boy under 16. Felony. Transfer to juvenile court permitted. When to be*

<sup>1</sup> The Texas act has *since* been amended. See the statement as to L. 1909, ch. 55, *infra*.

<sup>2</sup> See, now, statements as to L. 1909, ch's 54 and 55,—*infra*.

<sup>3</sup> This proviso may be found in sec. 10 of said ch. 65 of 1907. Cf. *National Conference of Charities and Correction*, 1909, on p. 507, Juvenile Courts, Texas, "law, but no funds provided". But see statement of L. 1909, ch. 54, *ad fin.*, *infra*; and statement as to L. 1909, ch. 55, *infra*.

## JUVENILE COURT LAWS SUMMARIZED

TEXAS

*(sentenced to state institution for juveniles.) Art. 1145, as thus amended, includes provisions that when a boy under 16 is indicted of a felony, an affidavit of his age may be duly filed. The judge, if satisfied, after hearing evidence, that the boy is under 16, may order the prosecution dismissed and the boy turned over to the juvenile court of the county, if such there be, "in which cases arising under the juvenile court laws are tried, through agreement of the judges of the district and county courts of said county [.] to be tried in said juvenile court" as prescribed by law for the trial of "such" juveniles in such cases; or the judge of the district court may try said cause as provided by law. If the boy be convicted and the verdict be for confinement for five years or less, the defendant shall be sentenced to be confined in the State Institution for the Training of Juveniles instead of the Penitentiary, for the term of his sentence;—such conviction and serving of sentence not to deprive him of any of his rights of citizenship when he shall become of age. Certain traveling expenses, etc., shall be paid by the county.*

L. 1909, ch. 55, amends sec. 9 of ch. 65 of 1907. (For statement as to said ch. 65, see *supra*.)

*(Boy under 16. Misdemeanor. Procedure.) Sec. 9 of said ch. 65, as thus amended, contains provisions that when a boy under 16 shall commit any offense graded as a misdemeanor, he shall be tried in the county, or district, jurisdictional court. The information or indictment shall be docketed on the "Juvenile Record" of the "Juvenile Court," and said trial shall be conducted as prescribed in this act.*

*(Conviction. Commitment. Probation.) If said boy be convicted, he shall be committed to the State Institution for the Training of Juveniles for an indeterminate period of not less than two, or more than five, years. There may be a "leave of probation," or parole, or release, after a confinement of one year; or, after sentence of commitment and before its execution, there may be a stay of execution, and release on good behavior. Also, the stay of execution may be annulled, and the boy committed.*

*(Dismissal of cause charging felony. Trial in juvenile court. Procedure.) When any district judge shall order any cause, charging any [male?] "juvenile" under 16 with a felony, to be dismissed, and shall order trial in any juvenile court, a certified copy of the indictment, together with the names of all witnesses, shall be filed in the juvenile court, if some other tribunal [than the district court?] be selected to exercise the jurisdiction;—otherwise the district court, exercising the jurisdiction of a juvenile court, may transfer the cause to its own juvenile docket and duly dispose of the same.*

*(Juvenile court procedure. Judgment of court. Jurisdiction. County attorney.) The judge of "said" juvenile court shall have a jury summoned, unless waived, and shall proceed to try the cause. The defendant, if duly adjudged guilty, shall be deemed guilty of being a delinquent child, and the court's judgment shall be confinement in said institution for juveniles for not less than two nor more than five years; and for such trials jurisdiction is conferred upon the county and district courts of the county of the offense, sitting as juvenile courts. Provided, that the county and district judge of any county may, by agreement, select either the district, or the county, court, which thereupon shall have jurisdiction to try and decide all juvenile court cases; otherwise each court, as provided in this act, may exercise such jurisdiction.*

## A SUMMARY OF JUVENILE COURT LAWS

### UTAH

In "all such cases" the county attorney, under the direction of the judge of "said" juvenile court, shall prosecute the same, without fee.

[Incorrigible boys under 16.—Commitment to said institution for juveniles.—Payment by parent or guardian of certain expenses a pre-requisite.]

"The expense of conveying all [other?] boys committed to said institution shall be paid by the county" of commitment.

Under L. 1909, ch. 56, an *amendatory* act, the "House of Correction and Reformatory," located at Gatesville, becomes "'The State Institution for the Training of Juveniles.'" "Hereafter" all boys under 16, convicted of a felony in any court in the state, whose term shall not exceed five years, shall be confined in said institution. (The title of the act refers to "juveniles convicted in juvenile courts.")

### UTAH

In 1905 was passed the first juvenile court act (ch. 117),—providing for juvenile delinquency, and for the responsibility of another therefor. This act, and the probation section (sec. 4) of an act passed in 1903 providing for neglected children (ch. 124), were repealed<sup>1</sup> and superseded by chapters 139 and 155 of 1907.

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### [THE COMPILED LAWS OF UTAH, 1907.]

*Scope includes amendments, by chapters 110, 122, and 123, of the session laws of 1909.]*

#### TITLE 16. COURTS

##### CHAPTER 9.—"JUVENILE COURTS"

SECTION 720x. (*Juvenile court. Juvenile court commission.*) In judicial districts containing cities of the first<sup>2</sup> or second<sup>3</sup> class is created the juvenile court; its judge to be appointed by the juvenile court commission (the governor, attorney-general, and state superintendent of public instruction) for a term of two years. The commission shall appoint a (paid) secretary. In the appropriate districts a clerk of the juvenile court shall be appointed. He shall also be a probation officer and shall receive a salary.

SEC. 720x1. (*Jurisdiction.*) The juvenile court shall have jurisdiction, in all the counties of the district in which said "courts" are established, of all cases (including misdemeanors of adults) relating to the care, guardianship of the person, probation, neglect, dependency, and delinquency of children under 18; provided, "in all precincts outside of cities of the first and second classes," justices of the peace shall, as nearly as may be, exercise the powers herein conferred upon the juvenile court; and whenever they act in matters herein referred to juvenile courts, their procedure shall, as nearly as may be, conform to this chapter. The constables of such precincts shall be assistant probation officers, acting under the chief probation officer of their county.

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<sup>1</sup> *Mill v. Brown*, 88 Pac. Rep., 609. (1907.)

<sup>2</sup> First class: 30,000. (Salt Lake City.)

<sup>3</sup> Second class: 5,000 to 29,999. (Logan, Ogden, Provo City.)

## JUVENILE COURT LAWS SUMMARIZED

### UTAH

Before proceedings are instituted against any person subject to "this Act" in any [one] of such precincts, the chief probation officer of the appropriate county shall be communicated with, and if, in his judgment, proceedings should be brought before the justice of such precinct instead of before the juvenile court of such "county," or the district judge of such district, as the case may be,—and so directs, proceedings may be brought before such justice.

Provided, "said" [juvenile?] court shall have no jurisdiction in cases involving a felony.

The court may [duly] inquire into the ability of the parents to support a neglected, dependent or delinquent child; and may enter such decree as shall accord with equity in the premises, and may [duly] enforce the same.

2.<sup>4</sup> (*District courts.*) In other judicial districts the district courts shall have jurisdiction; but the proceedings and record shall be separate from all criminal matters.

3-6. (*Practice and Procedure.*) In all cases relating to guardianship, neglected or abandoned children, [and] delinquencies of children, juvenile court practice and procedure shall follow the district courts; and in all cases of misdemeanors of adults in contributing to the dependency, neglect or delinquency of a juvenile, the practice and procedure shall follow that "provided by law for justice courts."

[Procedure as to jurors.]

Proceedings "in the interest of juveniles" begin by a complaint filed, which shall in a general way state the delinquencies complained of.

The parent or other custodian shall be duly notified to appear.

The probation officer shall bring in the alleged delinquent at the hearing, without a warrant.

7. (*Equity jurisdiction and procedure.*) The court shall exercise a broad equity jurisdiction. The child may be compelled to testify; witnesses may be heard in his absence; and the probation officer or any one else may have to testify as to facts ascertained through an investigation.<sup>5</sup>

"Said hearing" shall be governed by the ordinary law and equity procedure.

8-10. (*Hearings.*) A hearing may be continued at any time, and probation or other disposition of the delinquent may be ordered.

(*Decree. When custodian is fit. Unfit.*) Upon an adjudication of juvenile delinquency, if the custodian be found fit to continue in control, the child may be allowed to remain at home in the care and subject to the visitation of the probation officer, to be returned to the court when necessary; but if the custodian be unfit, either the child may be committed to his home, or to any suitable family home, under the care of the probation officer; or to any suitable children's institution in the state, including the state industrial school; or any other disposition deemed best for the child (except a committal to jail or prison) may be made. No decree shall operate after the child becomes 21; and any may be modified, amended, or recalled, subject only to the regulations of a state institution to which a child may have been committed.

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<sup>4</sup> This section is included, in the title of ch. 122 of 1909, as being amended by said act, and is recited at the beginning of the act as "hereby amended to read as follows," but no further allusion to it is found in the act.

<sup>5</sup> At the juvenile court's request, the county attorney must represent any child charged with delinquency, and the state as against any claimant of custodial rights, and must prosecute for contribution to a juvenile's delinquency, neglect, or dependency.—(*Compiled Laws, 1907.* Sec. 633.)

## SUMMARY OF JUVENILE COURT LAWS

### UTAH

11. (*Felony.*) If a felony is charged, the court shall direct that the juvenile be taken before the proper magistrate.

12. (*Appeals.*) An appeal may be taken in a custody case by the custodian to the supreme court. In cases of contributors appeals lie to the district court "in and for the county in which the juvenile court is held," conformably to appeals from justice courts.

13. (*Stenographic report.*) A stenographic report shall be kept in all proceedings involving custodial rights.

14-15. (*Appointment of probation officers.*) The juvenile court commission shall appoint in each county a chief probation officer (paid), giving preference to persons recommended, in juvenile court districts, by the juvenile judge, in other districts, by the district judge.

Said commission "shall" appoint as many *per diem* assistants "as may be necessary." They serve during the commission's pleasure.

[There are provisions] for the appointment of unpaid officers, and, in a city of the first or second class, of two deputy probation officers, payable *per diem* by the city. [Cf. this last provision with the above *mandatory* provision for *assistants*. The logic of the situation is not clear. The maximum for a *deputy* is one dollar more than the maximum for an *assistant*. It would seem that a city, instead of paying \$4 a day for services, might well prefer to hold the state up to its obligation, the city contributing \$1 a day in order to get the higher grade of service.]

16. (*Duties.*) The probation officer shall investigate all alleged delinquencies coming to his knowledge, within his county; shall present to the court any case of delinquency coming to his knowledge; bring in the children charged with delinquency or any offense; serve and return all processes and notices from the judge of the juvenile court, and carry out its orders; investigate every case pending before the court, reporting results whenever required; shall be present to represent the child at the hearing, shall take charge of him before and after, and shall supervise him; shall assist the court, and shall initiate and conduct proceedings against contributors to juvenile delinquency, neglect, or dependency, issuing warrants on complaints filed.

17. (*Report on delinquent children.*) Probation officers (or the judge, assisted by the chief officer) shall make an annual report to the juvenile court commission; but shall not disclose the identity either of children or their parents.

18. [(*Definition; etc.*) "Delinquent child" defined—Disposition of child, and evidence in the case, not admissible against child, except in subsequent cases against him hereunder. Section *similar* to Colorado, sec. 1 of ch. 85 of 1903, *supra*; extending age limit two years.]

19-21. [Disposition of fines, etc.—Court sittings—Process.]

22. [(*Construction.*) Construction not to be strict. See Colorado, *ibid.*, secs. 11-13 (sec. 12).]

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### CHAPTER 10.—"DEPENDENT NEGLECTED CHILDREN."

23. [(*Meaning of terms.*) Definitions of "Children's aid society"; "Institutions"; "Court of summary jurisdiction"; "Municipality"; "Parent"; "Place of safety"; "Street". (Use of the term "juvenile causes").]

24. [(*Neglected child. Age limit. Description.*) Authorizing the apprehen-

sion without warrant, and the bringing in, as neglected, of any child apparently under 14 (if a boy) or 16 (if a girl),—who either is dependent upon the public for support, or is a beggar, a thief, or a homeless night wanderer; or is found sleeping out at night, or is found in a dram-shop, or with a reputed prostitute; or destitute, an orphan or deserted by parents, or having a convict for his only surviving parent; or is in the custody of a parent drunken or depraved; or whose only surviving parent is a drunkard, idler, or scoundrel; or who lives with the vicious or immoral; or lacks proper care and training, owing to insanity of parents.<sup>6]</sup>

25-26. (*Examination. Commitment.*) The child may be turned over to a [duly incorporated] children's aid society [under certain conditions], [to be brought into court?] for examination within three days of apprehension. The county attorney shall attend, if requested. Parents, or actual custodians, shall be duly notified; in the child's behalf any friend, and (within the court's discretion) any representative of a society, may appear; and if the child be found dependent or neglected, the court shall commit him to the most appropriate society or institution, to become his guardian during minority, and from time to time to report; or shall order the child to any suitable family home open to the court for the purpose, subject to the supervision of a probation officer.

(*Return of child.*) Should the society, on petition of parents, conclude to return the child, the court shall be notified and the guardianship terminated.

[(*Adoption. Placing out.*) Societies to arrange for the adoption of children in approved families, or for their suitable placing out.]

27, 28. [*Surrender or commitment—Forfeiture—Transfers from institutions.*]

29. (*Abuse of children. Penalty.*) Any one over 18, who, having charge of a child under 18, wilfully abuses or neglects his charge [directly or indirectly], shall be punished by fine of not more than \$100, or by imprisonment for not more than three months, or by both.

30. [*(Warrants.)* Child thus illtreated or neglected, and person accused, may be named in same warrant. (Use of the term "juvenile cases.")]

31. (*Inducing children to leave. Harboring. Penalty.*) Whoever induces a child to leave any children's aid society or home, or to quit any situation, or break any apprenticeship or agreement, or unduly detains or harbors him, shall be liable to a fine of not over \$20 and costs, and, in default of payment, to imprisonment for not more than thirty days.

32. [*Payment to society or institution by county for children's support.*]

33. In incorporated municipalities, places for confinement of children under 16<sup>7</sup> to be separate from jails or police cells—Their trials to be separate from criminal trials—From trials, whether of children or parents, all unnecessary persons may be excluded.

34. (*Age presumption.*) When one is charged with an offense against a child alleged and appearing to be under a specific age, such nonage shall be presumed, unless the contrary be proven.

35. (*Record.*) All children's organizations shall keep a complete record of the children.

<sup>6</sup> "Parent," when used in relation to a child, shall include guardian and every person who is by law liable to maintain a child." See sec. 23.

<sup>7</sup> Cf. sec. 43, *infra*.

## A SUMMARY OF JUVENILE COURT LAWS

### UTAH

36. (*Child-helping societies, associations, and institutions.*) All organizations receiving children under this chapter shall be subject to supervision by the appropriate county commissioners. From organizations desiring juvenile commitments, under this chapter, courts may requisition necessary information and statistics. Every such organization shall file a written report annually with each county sending children during the year.

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#### CHAPTER 11.—“ADULT DELINQUENCY.”

37. (*Penalty.*) Any one over 18 who, through commission or omission, contributes to, or becomes responsible for, a child's dependency, neglect, or delinquency, shall be guilty of a misdemeanor, and liable to a fine not exceeding \$100.

38-40. (*Suspension of sentence. Bond. Suspension without bond.*) The court may suspend a sentence, or release one sentenced, upon condition that he give bond in not more than \$250, for the payment of not more than \$10 per month per child, for the maintenance of each child under commitment. Or sentence may be suspended without bond, the child remaining with the person found guilty, on conditions most calculated to remove the cause of the child's status, the defendant to be on probation. Should bond or conditions fail of execution, the bond or term of probation may be declared forfeited and ended, and the original sentence carried out.

41. [Provisions of bond.]

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#### CHAPTER 12.—“DETENTION SCHOOL.”

42. (*Detention homes. Superintendent. Education.*) Upon recommendation of the juvenile court commission, the county commissioners, in counties containing cities of the first class, *shall*, and in all other counties *may*, establish and maintain, detention homes,<sup>8</sup> not connected with any jail, one for boys and one for girls,—to be in charge of a superintendent to be appointed by the commissioners upon recommendation of the appropriate juvenile court. Instruction through the eighth grade, also manual training and arts for boys and domestic science and arts for girls, shall be provided.

43. (*Counties having no detention home; delinquent sent to another county.*) Where a juvenile court has to send a delinquent child, “not residing in a county” containing a detention home, to a detention home in another county, the latter county may charge “the county from which” the child is sent not more than 50 cents per day for his support and maintenance.

44-46. [Record—Salaries—School supplies—Building to be secured in 1907.]

47. (*Obligation of cities sending inmates.*) The county may recover from cities of the first and second class therein at least the actual cost of maintenance of children sent therefrom.

<sup>8</sup> The title of the amendatory act ch. 110 of 1909 (referred to *ad init., supra*) contains the words “Establishment and Maintenance of Detention Homes for the Care, Custody and Education of Dependent or Delinquent Children Under Eighteen Years of Age.” See secs. 720x1, and “29,” *supra*. Cf. sec. “24,” *supra*.

## JUVENILE COURT LAWS SUMMARIZED

### VIRGINIA

48. (*Detention school fund.*) From the general fund of each county having a detention school shall be set aside a special fund [for the school purposes].

### VERMONT

For some years probation for children has been authorized in Vermont, in connection with the Vermont industrial school; and in 1900 (by No. 106) it was provided that the county court in each county should appoint a paid probation officer, no reference being made to the ages of probationers. No. 74 of 1906 provides for the discharge of probationers at any time, and for change of conditions of probation.

Prisoners under 16 shall be kept separate from older prisoners.

### VIRGINIA

In 1902 was passed an act (ch. 591) "to provide places of abode and for the safe custody and proper guardianship of children" [in certain categories]. This act was amended and re-enacted in 1906 (ch. 61), and there was a supplementary amendment and re-enactment in 1908 (ch. 348).

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[L. 1908; ch. 348.]

SECTION 1. (*Vicious or neglected children under 14, etc. Commitment. Discharge.*) This act provides that, if a minor under 14 is destitute or without any proper abode or guardianship, or is deserted, neglected, or illtreated by his parent, guardian, or other custodian, or is exposed to immoral or vicious influences and training,<sup>1</sup> or [etc.], and [or?] such minor is vicious and depraved, or [etc.], or in any case where "any minor" [under 14?] is likely to become a public charge, and "the welfare of such minor in all such cases" and the good of society requires "such" commitment,—any court of record (the judge in vacation) or police justice may, on [due] application commit such minor to any Virginia-incorporated association for charitable purposes or for children<sup>2</sup>, until (if a female) 18, and (if a male) 21, unless sooner duly discharged; and such court or police justice may require the minor to be brought before him upon a summons to the custodian or upon a warrant for the minor's arrest, or may [in certain cases] commit without process, summons, or warrant: *Provided*, That upon [proper proceedings] the circuit or corporation court may order the association to discharge the minor ("so" committed) at any time in his best interest.

SEC. 2. (*Private custody. Procedure not criminal.*) A minor held in custody, under a commitment or otherwise, for care and guardianship under this act, shall be held to be in "private custody." Proceedings in these cases shall not be classed as criminal, and laws limiting and defining criminal jurisdiction or procedure shall not apply hereto.

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<sup>1</sup> Cf. The Code of Virginia, as amended. 1904. Sec. 3795a, as amended by ch. 282 of 1908.

<sup>2</sup> For commitment to the Children's Home Society of Virginia under its charter, see ch. 137 of 1901-02.

## A SUMMARY OF JUVENILE COURT LAWS

### VIRGINIA

SEC. 3. [Summons—Warrant—Commitment.]

SEC. 4. (*Organizations receiving children.*) All corporations under general laws for minors, and all charitable associations to which minors may be committed under this act, may—

1st. Retain legal commitments until 18 (females) and 21 (males), except as hereinbefore provided.

2nd. (*Placing out. Visiting. Bond.*) Place out children in suitable homes, upon terms beneficial to them, or place them out as apprentices, to their betterment,—subject to the organization's control and supervision, custody not to be absolutely relinquished, except as hereinbefore provided, and a record to be kept of placing-out data; each child shall be visited at least every three months, and of the person with whom he may be placed a secured bond may be required.

3rd. (*Maintenance and education.*) To exercise parental authority and control over the children, and provide for their care, maintenance and education.

4th. (*Commitment.*) To commit children, when necessary, to reformatory institutions. [Corporate rights of no institution affected.]

SEC. 5. *Officers and agents, of organizations for minors, conservators of the peace. Interference. Penalty.*) Every officer or agent of an association or Virginia corporation for minors, duly having charge of any person under 21, shall be entitled to all authorities of a conservator of the peace; and any person whether under claim of parental authority or other claim, interfering with such agent or officer as to the custody of such minor, shall be guilty of a misdemeanor, punishable by fine not exceeding \$50 and by imprisonment not exceeding three months.

SECS. 6-7. [*Contempt. Penalty.*) To wilfully obstruct an officer in his duty, to remove or conceal a child that he may not be brought before the court or justice, or to disregard any summons or other process authorized by this act;—a contempt, punishable by fine or imprisonment, or both.]

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### [THE CODE OF VIRGINIA, AS AMENDED. 1904.]

SEC. 4173d. Subd. 1. (*Prison Association of Virginia. Commitment.*) Whenever any minor, charged with any crime or with being a vagrant or a disorderly person, or incorrigible, is arrested or convicted, he may, with the consent of the Prison Association of Virginia, be committed to the control of said association; which shall have the same authority over such minor that the state penitentiary has over persons committed to it; but no minor shall be committed to said association before conviction without the consent of his parent or legal guardian, if any.

Subd. 2. (*Age limits. Absolute, or conditional, discharge.*) A minor may be committed to this association up to the time he reaches 18, but not after. No one shall be detained by the Association after reaching 21. An absolute, or a conditional, discharge may be granted by the Association at any time in the best interests of minor or Association.

Subd. 3. [Procedure as to commitment and delivery of minor to the Association.]

Subd. 4. [Assisting minors to escape—Harboring—Penalty—Apprehension without process, of minors who have escaped, or have violated the terms of their

## JUVENILE COURT LAWS SUMMARIZED

### WASHINGTON

conditional discharge—Certain sections of the Code to apply to the Association's officers, to its buildings, and to minors in its custody.]

Subd. 5. [Jurisdiction of habeas corpus proceedings, etc.]

Subd's 6-7. [Pardoning power of governor—Repeal—Non-repeal.]

SEC. 4173e. [(*Negro Reformatory Association of Virginia. Amendment.*) "Government of the negro reformatory association of Virginia, and commitment, government, employment, and discharge of negro minors committed thereto, compensation to be paid by the commonwealth for caring for such minors."]

In certain cases support orders may be entered.

This act has been amended by ch. 371 of 1908.

Conditional discharges are provided for.]

### WASHINGTON

An act relative to delinquent children, and providing for (in certain counties) a "Juvenile Court," was enacted in 1905 (ch. 18); and was added to in 1907 (ch. 110). Both enactments were repealed by ch. 190 of 1909.

Similarly, an act directed against contributors to the delinquency of children, ch. 11 of 1907, was repealed by ch. 153 of 1909.

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### RELATING TO DELINQUENT CHILDREN

AN ACT *in aid of children, providing for the custody, control, treatment, maintenance and adoption of neglected and delinquent children, under the direction [,] and by order, of the superior court; repealing certain laws (relating to delinquent children), and [etc.]*

[L. 1909, ch. 190.]

SECTION 1. (*Delinquent child.*) The words "delinquent child" shall, for this act, mean any child under 18, who violates any state law, or any city or town ordinance; or who is incorrigible; or who knowingly associates with thieves, [or other] vicious, immoral or disreputable persons; or who is growing up in idleness or crime; or knowingly enters a house of ill repute; or knowingly patronizes or visits any gaming place; or patronizes or visits any liquor shop, or any "public pool room" or bucket shop; or who roams the streets at night without being on lawful business; or habitually uses obscene, vulgar, or indecent language, or is guilty of immoral conduct in a public place, or about a schoolhouse.

(*Neglected child.*) For this act "neglected child" shall mean any child under 18 who is destitute or homeless, or abandoned, and is unable to earn his living, or is growing up amid evil tendencies; or who habitually begs or receives alms; or who is found in any house of ill repute, or with any vicious or disreputable person, or whose home or stopping-place, through fault or ignorance of parents or others, is unfit,—and any child under 10 found begging, [or] peddling or selling anything or performing any music for gain upon the street, or giving any public entertainment, or [who] accompanies, or aids, any person "so" doing.

(*Association.*) Association shall mean any incorporation including the care and disposition of children [,] consistent with the intent of this act.

(*State wards.*) For the purpose of this act "only," all delinquent and neglected

## A SUMMARY OF JUVENILE COURT LAWS

### WASHINGTON

children within the state shall be considered its wards and their persons shall be charges of the court as hereinafter provided.

SEC. 2. (*Superior court.*) The superior courts in the several counties shall have original jurisdiction. Any person interested may demand a jury trial; or the judge may order a jury *sponde suâ*.

SEC. 3. "Juvenile Court." In counties of the first<sup>1</sup> and second<sup>2</sup> class the superior court judges shall designate one or more of their number to hear all cases. There shall be a special session,—the "Juvenile Court Session," and the findings shall be entered in the juvenile record. The court may, for convenience, be called the "Juvenile Court."

SEC. 4. (*Complaint against child.*) Any reputable resident in the county, knowing of a child therein who appears to be delinquent or neglected, "may" [duly] file a complaint, including a statement of name and residence of parent or other guardian, also of person "having the custody," if known, and if unknown that fact shall be stated. The complaint shall be verified.

SEC. 5. [*Summons. Notification. Guardian ad litem. Warrant. Hearing.*) See Wisconsin, sec. 573-5, subd's 1, 2, through the words "custodian or child," *infra*. Continue as in Ohio, the act of 1902, sec. 4, *supra*.]

SEC. 6. [*Notice by publication.*) Provisions for newspaper publications of notice, where the person standing in the position of natural or legal guardian (of the person) of a child is a non-resident of the state, or the name or place of residence or whereabouts of "such person" is unknown, as well as where the officer has been unable to serve the "summons or notice" provided for in sec. "4" (evidently meaning sec. 5).—Date of hearing, to be at least 20 days from date of the last publication, to be set forth.—Proper cost of publication to be paid by the county.—Publication of notice to be equivalent to personal service upon all persons, known or unknown, "who have been designated as provided in this section."]

SEC. 7. (*Probation officers (unpaid). Duties.*) "The court or judge designated, as provided in section 3," shall appoint probation officers, unpaid. An officer shall investigate a case, inform and assist the court, represent the child at the trial, and take charge of him before and after.

[*Paid officers. Appointment. Authority.*) Provisions for and concerning two salaried probation officers (in addition), a chief and an assistant,—in counties<sup>3</sup> containing cities of the first class. One of the two shall be a woman. The section recites that "the court shall appoint" these officers, when it shall appear to it that there is a necessity therefor. See (*contra?*) Const., Washington, Art. XI, §5.]

SEC. 8. (*Commitment.*) Any child under 18 found to be delinquent or neglected, may be committed to some suitable institution or individual, or to some training<sup>4</sup> or industrial school, or to some association caring for, or obtaining homes for, dependent, neglected or delinquent children: *Provided*, The order of commitment may be temporary, or "permanent," and may be revoked or modified as circumstances may thereafter require.

<sup>1</sup> 80,000 or over. (King.)

<sup>2</sup> 70,000-79,999.

<sup>3</sup> King, containing Seattle; Pierce, containing Tacoma; Spokane, containing Spokane.

<sup>4</sup> Cf. Remington & Ballinger's Code, 1910; secs. 1980-1986. ("JUVENILE OFFENDERS—COMMITMENT TO STATE TRAINING SCHOOL.")

## JUVENILE COURT LAWS SUMMARIZED

### WASHINGTON

(*Support.*) [Order of support, to parents or other custodian of a neglected, dependent, or delinquent child.]

SEC. 9. (*Control of child. Adoption.*) Where awarded to "any" association or individual, the child shall, unless otherwise ordered, become a ward, and be subject to the guardianship, thereof;—such association may, with the court's assent, place the child in a family home, either temporarily or for adoption. With written consent of parent, or other person legally authorized to dispose of a neglected or delinquent child, the court may make an order of adoption [duly] transferring all rights of the parent or other guardian;—such order to be binding upon the child and his "parents or guardian, or other person," as if they were personally in court and consented, whether or no made party to the proceeding.

(*Property rights.*) No estate or property rights of a child shall be affected or subjected to guardianship by this act.

(*Continuing jurisdiction.*) The jurisdiction of the court shall continue over every child brought before it, or committed pursuant to this act; and the court may order a change of custody, if at any time such change appears to be for the child's best interests.

SEC. 10. (*Disposition of delinquent or neglected children. Placement. Limit of commitment.*) The court, continuing the hearing from time to time, may commit a delinquent or neglected child to a probation officer, and may allow him to remain at home, subject to the officer's visitation,—to report to the latter as required, and to be returned to the court whenever necessary; or may commit the child to the probation officer, to be, if practicable, boarded in a suitable family home, until he may be well placed in such a home without payment of board; or may send him to a suitable institution for delinquent or neglected children. No commitment shall extend beyond 21.

(*Parole. Discharge.*) A child may be paroled by the institution of commitment, on such condition as it may prescribe; and the court on its recommendation shall have power to discharge him from custody; or the court may commit him to some association caring for neglected and delinquent children.

SEC. 11. [(*Jail detention prohibited. Separation of children from adult convicts.*) Children under 14 not to be sent to jail, lock-up, or police station. Section similar to Illinois, juvenile court law, sec. 11, *supra*. (The Washington age limit exceeds that of Illinois by two years.)]

SEC. 12. [(*Trials before juvenile court. Transfers thereto. Recourse to criminal procedure.*) Transfers from justice and police magistrates. *Ibid*, sec. 10. (The Washington age limit is under 18, for both sexes. *Add:* If upon investigation it shall appear that a child has been arrested upon a criminal charge, the [juvenile] court may turn him over to the proper officers for trial under the criminal code.)]

SEC. 13. [(*Detention.*) A suitable and separate place of detention for children to be provided, in counties of the first and second class. Children to be herein "sheltered."]

SEC. 14. ("Method of handling children.") This act shall be liberally construed: The care, custody and discipline of a child shall be quasi-parental; and as far as practicable a neglected or delinquent child shall be treated, not as a criminal, but as one misdirected, and in need of encouragement and assistance.

SEC. 15. [No officers' fees hereunder.]

## A SUMMARY OF JUVENILE COURT LAWS

### WISCONSIN

SEC. 16. (*Boards of visitation. Duties; which, under certain circumstances, may be state-wide. Expenses.*) In each county the judge presiding over "the juvenile court session, as defined in this act,"<sup>5</sup> may appoint four reputable citizens (unpaid), a board of visitation,—to visit as often as once a year all institutions, societies, and associations, within the county, receiving children under this act. Also, to visit other organizations receiving or caring for children, within the state, whenever so requested by the judge of the juvenile court: *Provided*, the actual expenses of the board may be paid by the county when members are requested to visit institutions outside of the county seat, and no member shall have to visit an institution outside the county unless his actual traveling expenses shall be paid.

[(*Reports to the court.*) Provisions for visits and reports; and prescribing the duty, of child-helping organizations, with reference to the board.]

SEC. 17. [Ch. 18 of 1905 and ch. 110 of 1907 expressly repealed. General repeal clause.]<sup>6</sup>

### "RELATING TO DELINQUENCY OF PARENTS"

*An Act to provide for the punishment of persons responsible for, or contributing to, the neglect or delinquency of children of the age of "18"<sup>7</sup> years or under,—and repealing ch. 11 of 1907.*

[L. 1909; ch. 153.]

SECTION 1. (*Contributors criminally liable. Penalty.*) Any parent, custodian, or other person, responsible for, or contributing to, the delinquency or neglect of "a delinquent or neglected child, as defined by the statutes," shall be fined not more than \$100, or imprisoned in the county jail for not more than one year, or both so fined and imprisoned.

[(*Suspension of sentence. Limitation. Suspension absolute.*) Upon a person found guilty the court may impose conditions, and, during compliance therewith, sentence may be suspended; but no sentence shall be stayed for more than two years. Then or earlier the sentence may be suspended absolutely.]

[(*Revocation of stay. Enforcement of sentence.*) At any time during a stay of sentence, the court may revoke same, and enforce sentence.]

SEC. 2. (*Repeal.*) Ch. 11 of 1907 is repealed.

### WEST VIRGINIA

[*Probably no Juvenile Court legislation, through 1909.*]

### WISCONSIN

Wisconsin was one of the earliest states to follow Illinois in the establishment of a juvenile court. Its first enactment (ch. 90 of 1901), *as amended*, continues a constituent part of the law.

<sup>5</sup> Is this section applicable only to counties of the 1st and 2nd class? Cf. sec. 3.

<sup>6</sup> Repealing, according to the side-note to this section, "§§ 3354, 3354m Pierce" (presumably Pierce's Washington Code).

<sup>7</sup> One year beyond the age implied in the body of the act.

## JUVENILE COURT LAWS SUMMARIZED

### WISCONSIN

[SUPPLEMENT (THROUGH 1905) TO THE WISCONSIN STATUTES OF 1898]

[As amended, or added to, by chapters 73 and 515, and 324, of 1907; and including certain legislation in 1909.]

#### (JUVENILE COURTS)

SECTION 573-1. *Subd's 1-4.* (*Applicability.*) "This act"<sup>1</sup> shall apply only to counties containing cities of the first, second, or third class.<sup>2</sup>

(*Dependent and neglected children.*) "Dependent child" and "neglected child" shall mean any child under 16, who is destitute, homeless, or abandoned, or a public charge; or who lacks parental care; or habitually begs or receives alms; or lives with any vicious or disreputable person; or whose home, through fault of parents or other custodian, is unfit; and any child under 8 found peddling or selling any article, or singing or playing any musical instrument upon the street, or giving any public entertainment without a permit from the judge of the juvenile court.

(*Delinquent child.*) "Delinquent child" shall include any under 16, who commits against the law of Wisconsin any offense not punishable by imprisonment in the state prison, or who violates any municipality ordinance; [etc. The remainder of the definition resembles that in Illinois, *supra*; but certain provisions in one state do not occur in the other; e. g., Wisconsin includes habitual truancy.]

Where a parental school is available, a juvenile disorderly person may be deemed delinquent.<sup>3</sup>

SEC. 573-2. *Subd's 1-3.* (*Juvenile court.*) In each county to which the act applies, the judges of the several courts of record shall designate one (or more) of their number to hear all cases hereunder.

(*Jurisdiction in counties of over 250,000.*) The clerk and reporter of that court of which the judge is a member shall serve also in the juvenile court. "For the purposes of this act, all of said courts of record in counties" of over 250,000<sup>4</sup> "shall have original jurisdiction of all cases" within "this act and for the purposes of this act, shall have jurisdiction concurrent with" the state circuit courts.

*Subd's 4-6. (Probation officers. Examination.)* In counties of over 150,000<sup>5</sup> the courts of record shall appoint biennially a chief and three or more other paid<sup>6</sup> probation officers of the juvenile court (of whom one at least shall be a woman over 25), after an examination held by a competent commission appointed by the judge. [Certain appointees are eligible for reappointment without examination.] Any officer may be removed by the appointing power for incompetence or wilful or habitual neglect.

*Subd. 7. (Jury trial.)* Any person interested may demand, or the judge may order, a jury of six.

<sup>1</sup>Ch. 90 of 1901 (as amended).

<sup>2</sup>First class, 150,000 or over. (Milwaukee, in Milwaukee county.) Second class, 40,000-149,999. (None.) Third class, 10,000-39,999. (In 1905, 17 cities of this class.)

<sup>3</sup>Ch. 186 of 1907 (amending ch. 447 of 1903) provides for truant ungraded day schools in, or a parental boarding school for, any city of the first class; and that a city or school district having no parental school may contract for accommodations with a city having one. A child between 7 and 16 found by the juvenile (or county) court to be a "juvenile disorderly person," may be committed to a parental school until 18, subject to [parole and] discharge. The parent or other custodian shall clothe, and if able, maintain, him.

<sup>4</sup>Milwaukee county.

<sup>5</sup>Milwaukee county.

<sup>6</sup>See also 573-3, *subd's 2-6.*

## A SUMMARY OF JUVENILE COURT LAWS

### WISCONSIN

*Subsection 3m.* [A special clerk for juvenile court in certain of the counties, respectively, that contain one or more cities of the second or third class.]

**SEC. 573-3.** *Subd. 1.* [Probation officers.<sup>7</sup> See Illinois, juvenile court law, sec. 6, through the words "before and after," *supra*, omitting the part providing for no compensation. In Wisconsin, by ch. 382 of 1909, "said probation officers so appointed shall receive such compensation as the county board of supervisors may" allow; provided, "that not more than two probation officers shall receive compensation."]

*Subd's 2-6.* (Probation officers.) An officer appointed for a child shall become conversant with the case, and shall file, with the chief, detailed reports monthly and at other times as required.

(Paid probation officers.) Paid officers shall be vested with police and constabulary powers for apprehending children hereunder.

(The chief.) The chief (in counties maintaining one) shall attend all juvenile sessions; shall have each case investigated before trial; shall assist in all "juvenile" business before the courts, and advise inquirers; and shall have general supervision of officers, records, and reports.

(Other paid officers.) The other paid officers shall attend all juvenile sessions, investigate, do "office work pertaining to said court," and look after individual cases, serving as above prescribed for unpaid officers.

**SEC. 573-4.** (Procedure.) Any reputable resident of a county containing an apparently neglected, dependent, or delinquent child, may file with the appropriate court a petition setting forth the facts. (An affiant in good faith shall run no more risk than if the proceeding were upon warrant.)

**SEC. 573-5.** *Subd's 1-2.* (Summons.) Thereupon a summons shall issue to the child's custodian.

(Notification.) The parents or legal guardian, or, if their residences be not known, some relative, if his residence be known, shall be notified. The judge may appoint some suitable person to act in the child's behalf.

(Warrant.) Where a summons proves impracticable, or is, or will probably be, ineffectual, a warrant may issue either against custodian or child.

(Hearing.) As soon as may be, the court shall hear and dispose of the case summarily.

*Subd. 3.* (Commitment of dependent or neglected child.) Any dependent or neglected child under 16 may be committed to a suitable state or county institution or to some appropriate corporation. Pending final disposition of the case he may be retained by the person in charge or committed to the probation officer or otherwise suitably detained.

**SEC. 573-6.** *Subd. 1.* (Commitment<sup>8</sup> of delinquent child.) [See Ohio, the act of 1902, sec. 9, through the words "for boys or for girls," *supra*. Wisconsin limits the power of the court to continue the hearing, by the words "until the child is 16".]

Placement in a suitable institution, on probation, and commitment to a child-helping association, are authorized.

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<sup>7</sup> And for probation, under guidance of a suitable adult not a probation officer paid for service in the juvenile court, of a minor of 16 or over, guilty of a misdemeanor or convicted for the first time of a felony where maximum penalty does not exceed seven years, *see ch. 426 of 1907.*

<sup>8</sup> For commitments, throughout the state, *cf. ch. 630 of 1907.*

## JUVENILE COURT LAWS SUMMARIZED

### WYOMING

*Subd's 2-3. (Conviction not evidence in other courts.)* No juvenile court conviction shall be receivable in evidence in any other court. No costs or fines shall be imposed upon a defendant.

*(Appeals.)* Within twenty days from judgment the defendant may appeal to the supreme court. No undertaking shall be required.

**SEC. 573-7. (Arrest for an offense not a state prison offense. Transfers from justices and police magistrates.)** When, in any county holding a juvenile court "as provided in section 2 of this act,"<sup>9</sup> a child under 16 is arrested, charged with any violation of Wisconsin law not punishable by imprisonment in the state prison, he may be taken directly before the juvenile court, or, if he be taken before a justice of the peace or police magistrate, the case shall be transferred to such court, which may dispose of it as if it had begun by petition—requiring notice and investigation as in other cases under this act.

**SEC. 573-8. (Arrest for a state prison offense. Procedure. Trial, etc. Commitment.)** When, in any county holding a juvenile court "as provided in section two of this act,"<sup>10</sup> a child under 16 is arrested for a state prison offense under Wisconsin law, the magistrate before whom the prisoner is brought shall hold a preliminary examination of the offender. All the provisions of chapter 195 of the Statutes of 1898, relative to the arrest and examination of offenders, shall be applicable, except that if it appear that an offense has been committed, and that there is probable cause to believe the prisoner guilty, he shall be admitted to bail, or committed for trial to the juvenile court, or to the current term of the court having jurisdiction of such cases, and the case shall immediately be set down for trial, and all provisions of law relating to criminal proceedings in circuit courts shall be applicable to the trial, sentence, and commitment of such offenders in such court; but the "court may in its discretion commit such offenders as provided in section six of this act."<sup>11</sup>

**SEC. 573-9. (Jail detention prohibited.)** No child under 14 shall be committed to a jail or police station; if unable to give bond, and if a summons probably "will" be ineffectual, he may be delivered to some suitable place of detention. On the written order of the proper officer he may be held until the next juvenile session.

*(Separation from adult convicts.)* No child under 16 shall be confined in the same room, or inclosure, with adult convicts, or brought into contact with them.

**SEC. 573-10. [Board of visitation. See Illinois, *ibid.*, sec. 18. Omit note. In Wisconsin such board is appointed by "the judge of such juvenile court"; and its annual report is to the state board of control.]**

#### CONTRIBUTORS TO JUVENILE DELINQUENCY.

**SECTION 458*i.* (Penalty.)** Any parent or other person, through wilful neglect responsible for, or by wilful act contributing to, a child's delinquency, shall be guilty of a misdemeanor, punishable by fine not exceeding \$500, or by imprisonment for not more than one year, or by both. There may be a stay of sentence, during compliance with conditions imposed, but not for more than two years. Then, or before, if conditions have been faithfully complied with, sentence may be suspended absolutely.

### WYOMING

*[Probably no Juvenile Court legislation, through 1909.]*

<sup>9</sup> L. 1901, ch. 90, sec. 2?

<sup>10</sup> L. 1903, ch. 97, sec. 2?

<sup>11</sup> L. 1903, ch. 97, sec. 6?

## PART II

# A TOPICAL ABSTRACT OF STATE LAWS GOVERN- ING THE TRIAL AND DISPOSITION OF JUVENILE OFFENDERS

COMPILED BY MISS GRACE ABBOTT IN CONNECTION WITH  
A STUDY OF THE JUVENILE COURT OF CHICAGO MADE  
BY THE CHICAGO SCHOOL OF CIVICS AND PHILANTHROPY  
FOR THE RUSSELL SAGE FOUNDATION



## TOPICAL ABSTRACT OF LAWS GOVERNING THE TRIAL AND DISPOSITION OF JUVENILE OFFENDERS

### FOREWORD

THE following abstract of the laws of the various states and of the District of Columbia governing the trial and disposition of juvenile offenders was prepared by Miss Grace Abbott as a part of an investigation of the work of the juvenile court in Cook County, Illinois.

This abstract differs from the abstract by Mr. Koren (in Part I) in the fact that it is arranged topically. Under each topic will be found the provisions of each of the states named with reference to that particular subject. It is believed that this abstract will be found extremely useful by those who are studying the juvenile court law, as well as by those who are engaged in the preparation of new juvenile court laws. The abstract is abbreviated as much as possible. It will be easy to refer to the fuller statement contained in Mr. Koren's summary.

## JUVENILE COURT LAWS SUMMARIZED

### INTRODUCTORY

Special and partial provisions for the better and more humane care of delinquent and dependent children were made from time to time by our state legislatures many years ago, but with the enactment of the Illinois Juvenile Court Laws in 1899 a new epoch was begun. This law, since modified and improved, has been the model for similar legislation in twenty-two other states—Alabama,<sup>1</sup> California, Colorado, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Nebraska, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Washington, Wisconsin—and in the District of Columbia. Under the common law a child of seven<sup>2</sup> was regarded as responsible for his acts and was treated as a criminal in the charge, the trial, and the disposition made of him after trial. Under the new theory the child offender is regarded not as a *criminal* but as a *delinquent*, “as misdirected and misguided and needing aid, encouragement, help and assistance”;<sup>3</sup> he is kept entirely separate from the adult offender, and the probation system is used whenever practicable. These are the most important features of the new legislation which has been adopted in the states enumerated. A number of other states, of which New York, Maryland, and New Jersey are the most conspicuous examples, have engrafted on the old criminal laws some of the conspicuous features of the new legislation, leaving, however, the old system still unreformed in its fundamental principle. The resulting confusion is best illustrated in New York. Prior to 1909, the child offender was regarded as a criminal and after conviction was released on parole or was fined for his offense. The court before which the juvenile delinquent was tried was, however, a separate children’s court. In 1909 the Legislature took one step in advance by declaring that a “child of more than 7 or less than 16 shall not be deemed guilty of any crime, but of juvenile delinquency only,”<sup>4</sup> but in spite of this declaration children may still be fined for delinquency and ordinary criminal procedure is followed in the trial.<sup>5</sup> These and the various differences between the legislation in those states which have adopted complete juvenile court laws can be brought out only by a detailed statement of the various parts of the laws.

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<sup>1</sup> Alabama’s law applies only to Mobile County. General act applying to the state passed in 1907 was repealed the same year at a special session of the Legislature.

<sup>2</sup> This was changed by statute in a number of states to ten years and in others to twelve.

<sup>3</sup> This is the language of the law in Colorado (L. 1903, ch. 85, No. 12), Mo. (L. 1909, p. 431, No. 33) and Tenn. (L. 1905, ch. 516, sec. 11). The language of the Act establishing the Buffalo court is perhaps the most recent statement of this principle.

<sup>4</sup> N. Y. B. C. & G’s Consol. Laws 1909 p. 4095 Sec. 2186.

<sup>5</sup> For example, smoking is a misdemeanor in a child punishable by a fine of from two to ten dollars. B. C. & G’s Consol. Laws 1909 p. 2832 Sec. 486, Subdiv. 6.

## TOPICAL ABSTRACT OF JUVENILE COURT LAWS

### I. THE COURT GIVEN JURISDICTION

In a few states a special court is created which is given jurisdiction over juvenile offenders alone.<sup>1</sup> Most states have found, however, that it presented fewer legal difficulties to give to some court already established this special jurisdiction. In California,<sup>2</sup> Georgia,<sup>3</sup> Indiana,<sup>4</sup> Iowa,<sup>5</sup> Louisiana,<sup>6</sup> Minnesota,<sup>7</sup> Missouri,<sup>8</sup> Nebraska,<sup>9</sup> Oregon,<sup>10</sup> Utah,<sup>11</sup> and Wisconsin,<sup>12</sup> it has been given to the circuit or district court; in Illinois,<sup>13</sup> New Jersey,<sup>14</sup> Ohio,<sup>15</sup> Tennessee,<sup>16</sup> and Texas<sup>17</sup> to the circuit or county court; in Alabama,<sup>18</sup> Colorado,<sup>19</sup> Kentucky,<sup>20</sup> Kansas,<sup>21</sup> Michigan,<sup>22</sup> and Washington,<sup>23</sup> in the County Court. In these states it is unquestionably easier to secure an able man for judge of the Juvenile Court because of the dignity and prestige which go with those judgeships. When, as in California,<sup>24</sup> Connecticut,<sup>25</sup> Massachusetts,<sup>26</sup> Maryland,<sup>27</sup> New Hampshire,<sup>28</sup>

<sup>1</sup> D. C. 34 U. S. Statutes at Large 73.

<sup>2</sup> Colo. L. 1907, ch. 149 No. 1 (applies to counties or municipalities having a population of 100,000).

<sup>3</sup> Ind. L. 1903, chap. 237 sec. 1 (applies to counties having a city of 100,000).

<sup>4</sup> La. L. 1908, No. 83, sec. 1 (applies to parish of New Orleans).

<sup>5</sup> Mass. L. 1906, ch. 489 secs. 1, 2 and 3 (Court of Boston).

<sup>6</sup> Mich. Local Acts, 1907, No. 684 sec. 2 (County of Wayne).

<sup>7</sup> Md. L. 1907, No. 325, No. 2 (applies to cities of 20,000).

<sup>8</sup> Mo. L. 1903, p. 213, No. 1 (St. Louis Juvenile Court).

<sup>9</sup> Utah. L. 1907, ch. 139, sec. 1 (In judicial districts containing cities of first and second class).

<sup>10</sup> Calif. L. 1905, ch. 610 sec. 2 (Superior Court and Police Court also).

<sup>11</sup> Ga. L. 1908, p. 1107 (Superior Court).

<sup>12</sup> Ind. L. 1903, ch. 237 sec. 1 (In counties having no cities of 100,000).

<sup>13</sup> Ia. L. 1904, ch. 11 sec. 1.

<sup>14</sup> La. L. 1908 No. 83 secs. 1 and 6 (Except in parish of New Orleans).

<sup>15</sup> Minn. L. 1905, ch. 285 sec. 2 (In counties having population of 50,000 or more).

<sup>16</sup> Mo. L. 1906, p. 425 No. 2 (In counties having a population of 150,000 to 500,000).

<sup>17</sup> Nebr. Compiled Statutes, 1909, No. 2706 sec. 2.

<sup>18</sup> Oregon. L. 1907, ch. 34 secs. 2 and 3 (In counties having a population of 100,000 to 25,000).

<sup>19</sup> Utah. L. 1907, ch. 139 sec. 3 (In counties not having cities of first and second class).

<sup>20</sup> Wis. L. 1907 p. 127 sec. 2, No. 573 (Court of Record.)

<sup>21</sup> Ill. Revised Statute 1908, ch. 23 sec. 170.

<sup>22</sup> N. J. L. 1908, ch. 236 (Court of Common Pleas).

<sup>23</sup> Ohio. L. of Apr. 24, 1908 sec. 1 (Court of Common Pleas, Probate courts and, where established, insolvency or superior court).

<sup>24</sup> Tenn. L. 1905, ch. 516 sec. 2 (Any judge of any criminal, circuit, or county court).

<sup>25</sup> Texas. General Laws 1907 ch. 65 sec. 2 (County and District courts).

<sup>26</sup> Ala. Local Acts 1907 p. 363 sec. 3 (The Inferior criminal, the probate courts of Mobile County and the recorder's court of Mobile).

<sup>27</sup> Colo. L. 1903 ch. 85, sec. 2.

<sup>28</sup> Ken. L. 1908 ch. 67, sec. 2.

<sup>29</sup> Kans. L. 1905 ch. 190 sec. 1.

<sup>30</sup> Mich. L. 1907 no. 325 sec. 2.

<sup>31</sup> Wash. L. 1905, ch. 18 sec. 2 ("Superior Courts in the several counties").

<sup>32</sup> Calif. Penal Code 1906 Appendix p. 325. Also Superior Court.

<sup>33</sup> Conn. L. 1905 ch. 142 secs. 1 and 4 (any criminal court).

<sup>34</sup> Mass. L. 1906, ch. 413 sec. 1 (Outside of Boston).

<sup>35</sup> Md. L. 1904 ch. 521.

<sup>36</sup> N. H. L. 1907 ch. 125.

## JUVENILE COURT LAWS SUMMARIZED

New York,<sup>1</sup> Pennsylvania,<sup>2</sup> and Rhode Island,<sup>3</sup> a police judge is made the judge of the Children's Court, the opposite effect is produced.

In the states which have the better and more complete type of laws especial provision is made that the police court and justices of the peace are not to have jurisdiction over those who come under the age fixed by the Juvenile Court Act.<sup>4</sup> In some of the states in which jurisdiction is lodged in the police, county, or circuit courts, the judges each, in turn, sit as judges of the Juvenile Court, but in California,<sup>5</sup> Illinois,<sup>6</sup> Michigan,<sup>7</sup> Minnesota,<sup>8</sup> Missouri,<sup>9</sup> Nebraska,<sup>10</sup> Ohio<sup>11</sup>, Oregon,<sup>12</sup> Pennsylvania,<sup>13</sup> and Wisconsin,<sup>14</sup> one of the judges is chosen by his associates to act exclusively as judge of the Juvenile Court during the judicial year. The judges of the Juvenile Courts of Denver,<sup>15</sup> Detroit,<sup>16</sup> New Orleans<sup>17</sup> and Rochester<sup>18</sup> are elected; those of Boston<sup>19</sup> and Balti-

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<sup>1</sup> N. Y. L. 1906 ch. 317 (Rochester) B. C. & G's. Consol. Laws, 1909 p. 3836 sec. 487.

<sup>2</sup> Pa. Purdon's Digest p. 188 sec. 50 (may try or if good of state or child demands it may certificate to Juvenile Court).

<sup>3</sup> R. I. L. 1899 ch. 664 sec. 1. (Jurisdiction of established courts left untouched. Only provision is that the trial of the children must be separate and apart from that of adults.)

<sup>4</sup> Colo. L. 1903 ch. 85 No. 7.

D. C. 34 U. S. Statutes at Large 73 sec. 8.

Ill. R. S. 1908 ch. 23 sec. 178.

Ind. L. 1907 ch. 203 (Except when offense is punishable by death or life imprisonment).

Kans. L. 1905 ch. 190 sec. 11.

Ken. L. 1908 ch. 64 sec. 5 (Except in case of felony).

Mich. L. 1907 No. 325 sec. 6.

Mo. L. 1909 p. 425 sec. 6 (Sec. 8 provides that any court may originate proceedings, but trial is to be in Juvenile Court).

N. J. L. 1903 ch. 210 sec. 1.

N. Y. Charter of N. Y. City sec. 1418 (Must be transferred to children's court).

Ohio. L. of Apr. 24, 1908 sec. 9.

Ore. L. 1907 ch. 34 sec. 11.

Tenn. L. 1905 ch. 516 sec. 6.

Texas. General Laws 1907, ch. 65 sec. 5.

Wasb. L. 1905 ch. 18 sec. 10.

Wis. L. 1903 ch. 97 sec. 5 (When charged with crime punishment for which is imprisonment).

<sup>5</sup> Calif. Penal Code 1906 Appendix 325.

<sup>6</sup> Ill. R. S. 1908 ch. 23 sec. 171 (In counties of over 50,000 population).

<sup>7</sup> Mich. L. 1905 No. 312 sec. 2.

<sup>8</sup> Minn. L. 1905 ch. 285 sec. 3.

<sup>9</sup> Mo. L. 1909 p. 435 sec. 2.

<sup>10</sup> Nebr. Compiled statutes 1909 Sec. 2796, 3 (In counties of over 40,000 population).

<sup>11</sup> Ohio. L. Apr. 24, 1908 sec. 1.

<sup>12</sup> Oregon. L. 1907, ch. 34, sec. 2.

<sup>13</sup> Pa. Purdon's Digest p. 57 sec. 2.

<sup>14</sup> Wisconsin. L. 1907 p. 127 sec. 573, 2.

<sup>15</sup> Colo. L. 1907, ch. 149, No. 5 (Must have the qualifications of a district judge. Term is four years).

<sup>16</sup> Mich. Local Acts 1907 No. 684 sec. 2 (Term four years).

<sup>17</sup> La. L. 1908 No. 83 sec. 2—Term four years.

<sup>18</sup> N. Y. L. 1906 ch. 317—(Court is, however, a branch of the police court).

<sup>19</sup> Mass. L. 1906 ch. 489 secs. 1, 2, and 3, Terms five years. Salary \$3,000 per annum.

## TOPICAL ABSTRACT OF JUVENILE COURT LAWS

more<sup>1</sup> are appointed by the Governor, of Washington, D. C.,<sup>2</sup> by the president and in Utah<sup>3</sup> by the Juvenile Court Commission.

### II. EXTENT OF JURISDICTION

#### A. AGE LIMITATION

In the great majority of states the jurisdiction of the Juvenile Court extends to children of 16<sup>4</sup> or 17<sup>5</sup> years of age. But in Illinois<sup>6</sup> and Kentucky<sup>7</sup> the limitation is for boys 17 and girls 18, in Louisiana,<sup>8</sup> Nebraska,<sup>9</sup> and Oregon<sup>10</sup> 18 for both, and in Utah<sup>11</sup> 19 for both boys and girls.

#### B. DEFINITION OF DELINQUENCY

In the earlier laws a "delinquent" child was defined as one (I) who had violated a state law or a city or village ordinance, or (II) who was incorrigible. Laws of this

<sup>1</sup> Md. L. 1904 ch. 521 sec. 1 (Baltimore judge is an additional justice of the peace).

<sup>2</sup> D. C. 34 United States Statutes at Large 73, sec. 2 (Term 6 years, salary \$3,000).

<sup>3</sup> Utah. L. 1907 ch. 139 sec. 1 (In judicial districts containing cities of the first and second class. The Juvenile Court Commission of Utah consists of the Governor, Attorney General, and State Superintendent of Instruction. (L. 1907 ch. 139 sec. 1.)

<sup>4</sup> Calif. L. 1907, ch. 427 sec. 1.

Ga. L. 1908 p. 11 sec. 7.

Ia. 1907 Supplement to Code, Title III ch. 5-b sec. 254, 14.

Kans. L. 1905 ch. 190 sec. 2.

Md. L. 1904 ch. 521 Sec. 1 (Applies to Baltimore).

M. L. 1909 p. 423 (Jurisdiction continues until child is 21).

N. J. L. 1903 chap. 219, as amended by L. 1908 ch. 236 sec. 1.

N. Y. Penal Code 1908 sec. 291 Subdiv. 7; N. Y. City charter sec. 1418; 1.

1907 ch. 755 sec. 470 (applies to Rochester).

Ohio. L. 1904 p. 621 sec. 2 (applies to cities of more than 380,000).

Pa. L. 1903 No. 205 sec. 1.

R. I. L. 1899 ch. 664 sec. 1.

Texas. L. 1907 ch. 64 sec. 1.

<sup>5</sup> Alabama. Local Acts 1907, p. 363 sec. 1 (Applies to Mobile County).

Colo. L. 1903, ch. 85 sec. 1.

D. C. 34 U. S. Statutes at Large 73 sec. 8.

Idaho. L. 1905 p. 106 sec. 1.

Ind. L. 1907 ch. 203 sec. 3 (Boy under 16—Girl under 17).

Mass. L. 1906 ch. 413 sec. 1 (Children between 7 and 17).

Mich. Local Acts 1907 No. 684 sec. 1 (Applies to Detroit) Public acts 1907.

Minn. L. 1907 ch. 285 sec. 1. (Applies to state generally.)

Mo. L. 1905 p. 56 sec. 1. (Counties having population from 150,000 to 499,999.)

Mont. L. 1907 ch. 97.

N. H. L. 1907 ch. 125 sec. 1.

Ohio. L. 1908 p. 192 sec. 1.

Oklahoma. L. 1903 ch. 18 sec. 1.

Tenn. L. 1905 ch. 516 sec. 1.

Wash. L. 1905 ch. 18 sec. 1.

Wisc. L. 1907 p. 127.

<sup>6</sup> Ill. R. S. 1908, ch. 23 sec. 169.

<sup>7</sup> Ken. L. 1908 ch. 67 sec. 1.

<sup>8</sup> La. L. 1908 No. 83 sec. 9.

<sup>9</sup> Nebr. Compiled Statutes 1909, 2796 sec. 1.

<sup>10</sup> Ore. L. 1907 ch. 34 sec. 1.

<sup>11</sup> Utah. Compiled L. 1907; Title 16, ch. 9, sec. 720 sec. 1.

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type are still on the statute books in California,<sup>1</sup> Connecticut,<sup>2</sup> District of Columbia,<sup>3</sup> Georgia,<sup>4</sup> Maryland,<sup>5</sup> Massachusetts,<sup>6</sup> New Jersey,<sup>7</sup> New York,<sup>8</sup> Pennsylvania,<sup>9</sup> and Rhode Island.<sup>10</sup> Better laws make the definition much more inclusive so that the court will not be unable, because of any technical lack of jurisdiction, to place a child under the care of the court and its officers, if that seems to be for the best interest of the child. In addition to I and II already mentioned, as constituting delinquency, the law in Alabama,<sup>11</sup> Colorado,<sup>12</sup> Illinois,<sup>13</sup> Indiana,<sup>14</sup> Kentucky,<sup>15</sup> Louisiana,<sup>16</sup> Michigan,<sup>17</sup> Minnesota,<sup>18</sup> Missouri,<sup>19</sup> Nebraska,<sup>20</sup> Ohio,<sup>21</sup> Tennessee,<sup>22</sup> Texas,<sup>23</sup> Utah,<sup>24</sup> and Washington,<sup>25</sup> regards as a delinquent any child who (a) knowingly associates with thieves, vicious or immoral persons, (b) absents itself from home without the consent of its parent or guardian or without just cause, (c) is growing up in idleness or crime, (d) knowingly visits or enters a house of ill repute, (e) visits or patronizes gambling houses, saloons, or bucketshops, (f) wanders about the street at night or about railroad yards

<sup>1</sup> Calif. Penal Code 1906, Appendix p. 625 (includes only a).

<sup>2</sup> Conn. L. 1905 ch. 142 sec. 3—(any minor arrested).

<sup>3</sup> D. C. 34 U. S. Statutes at Large 73 sec. 8 (all crimes and offenses, not capital and not punishable by imprisonment in the penitentiary; habitual truancy also).

<sup>4</sup> Ga. L. 1908 p. 1107 (A delinquent or wayward child is regarded as one who has violated some law).

<sup>5</sup> Md. L. 1904 ch. 521 sec. 1 (Contains no special definition. Children charged with "crime" or "misdemeanor" are tried by Juvenile Court).

<sup>6</sup> Mass. L. 1906 ch. 413 sec. 1 ("Delinquent" child is one who violates any state law or city ordinance. "Wayward" child is one who "knowingly associates with thieves, vicious or immoral persons, or is growing up in circumstances exposing him or her to lead an immoral, vicious or criminal life.")

<sup>7</sup> N. J. L. 1908 ch. 236 sec. 1 (Adds to (a) and (b) "disorderly" and "habitually vagrant" children).

<sup>8</sup> N. Y. Penal Code 1908 Sec. 289 Subdiv. 8 adds "disorderly" children, those who desert their homes without good or sufficient cause, keep company with dissolute, immoral or vicious children and "ungovernable" children; those not susceptible of proper restraint by their parents or guardians, or who are habitually disobedient to their reasonable and lawful commands.

<sup>9</sup> Pa. L. 1903 No. 205 sec. 1. "Incorrigible" child defined as one charged by its parents or guardians with being "unmanageable" and "delinquent" child one who violates any state law or city ordinance.

<sup>10</sup> R. I. L. 1899 ch. 664 sec. 1.

<sup>11</sup> Ala. Local Acts 1907 p. 363 sec. 1.

<sup>12</sup> Colo. L. 1903 ch. 85 sec. 1.

<sup>13</sup> Ills. R. S. 1908 ch. 23 sec. 160.

<sup>14</sup> Ind. L. 1905 ch. 145 sec. 1 (In addition, any child who smokes cigarettes or loiters about any school building or yard).

<sup>15</sup> Ken. L. 1908 ch. 67 sec. 1 (In addition, any child who is persistently truant).

<sup>16</sup> La. L. 1908 No. 83 sec. 9.

<sup>17</sup> Mich. L. 1907 No. 325 (In addition, any child who is persistently truant from school).

<sup>18</sup> Minn. L. 1905 ch. 285 sec. 1.

<sup>19</sup> Mo. L. 1909, p. 423 sec. 1. (In addition, any child who is habitually truant or one who "loiters or sleeps in alleys, cellars, wagons, buildings, lots or other exposed places.")

<sup>20</sup> Nebr. Compiled Statutes 1909, 2796 sec. 1.

<sup>21</sup> Ohio. L. 1908 p. 192 sec. 5.

<sup>22</sup> Tenn. L. 1905 ch. 516 sec. 1.

<sup>23</sup> Texas General Laws 1907 ch. 65 sec. 1.

<sup>24</sup> Utah. L. 1907 ch. 139 sec. 13 and in addition, any child who writes or draws anything vile, obscene or vulgar on any wall, fence, or building.

<sup>25</sup> Wash. L. 1905 ch. 18 sec. 1.

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or tracks, (g) jumps on and off trains, (h) enters a car or engine without lawful authority, (i) uses vile, obscene or indecent language or is (j) immoral or indecent.

In Iowa,<sup>1</sup> Kansas,<sup>2</sup> New Hampshire,<sup>3</sup> Oregon,<sup>4</sup> and Wisconsin,<sup>5</sup> the definitions are not quite so broad.

### III. PROCEDURE

#### A. PETITION OR COMPLAINT

In the general procedure prescribed for the Juvenile Courts the line of demarcation can easily be drawn between those states whose legislation consistently regards the youthful offender as a *delinquent* and those whose legislation regards him as a criminal but treats him somewhat differently from the adult criminal. In the former group, the first step is the filing of a "*petition*" by any reputable person which is based upon his information or belief that the child named in the petition is delinquent.<sup>6</sup> In the District of Columbia the suit is begun upon information filed by the Corporation Counsel.<sup>7</sup> In Alabama,<sup>8</sup> Colorado,<sup>9</sup> Massachusetts,<sup>10</sup> Missouri,<sup>11</sup> Texas,<sup>12</sup> Utah,<sup>13</sup> and Washington<sup>14</sup>, the old word "complaint" is used. Pennsylvania provides that the court

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<sup>1</sup> *Iowa*, L. 1904 ch. 11 sec. 2 Definition includes (a) (b) (c) (d) (e) (f) (g) (i) of above.

<sup>2</sup> *Kans.* L. 1905 ch. 190 sec. 2. Definition includes (a) (b) (c) (d) and (e) of above.

<sup>3</sup> *N. H.* L. 1907 ch. 125 sec. 1. Definition includes (a) (b) (c) (d) (e) and (f).

<sup>4</sup> *Ore.* L. 1907 ch. 34 sec. 1. Definition includes (a) (b) (c) (d) (e) (f) and any child persistently truant.

<sup>5</sup> *Wisc.* L. 1907 p. 127 sec. 573 (1) definition includes a, b, c, d, e, f, k and any child persistently truant from school, but the Juvenile Court does not have jurisdiction over offenses punishable by imprisonment in the penitentiary.

<sup>6</sup> This is the law in

*Calif.* Penal Code 1906 Appendix 625 sec. 3.

*Ill.* R. S. 1908 ch. 23 sec. 172.

*Iowa* L. 1904 ch. 11 sec. 3.

*Kans.* L. 1905 ch. 190 sec. 4.

*Ken.* L. 1908 ch. 67 sec. 4.

*La.* L. 1908 No. 83 sec. 11—called an "affidavit" instead of "petition."

*Mich.* L. 1907 No. 325 sec. 5.

*Minn.* L. 1905 ch. 285 sec. 4.

*Mo.* L. 1909 p. 425 sec. 3.

*Nebr.* Compiled Statutes 1909 Sec. 2796, 4.

*N. H.* L. 1907 ch. 125 sec. 1.

*Ohio* L. 1908 p. 192 sec. 7—called "affidavit" instead of "petition."

*Ore.* L. 1907 ch. 34 sec. 4.

*Tenn.* L. 1905 ch. 516 sec. 3.

*Wisc.* L. 1903 ch. 94 sec. 3.

<sup>7</sup> *D. C.* 34 U. S. Statutes at Large 73, 12.

<sup>8</sup> *Ala.* Local Acts 1907 p. 363 sec. 5. (Information or complaint of probation officer, chief of police or county attorney.)

<sup>9</sup> *Colo.* L. 1903 ch. 85 sec. 3.

<sup>10</sup> *Mass.* L. 1906 ch. 413 sec. 3.

<sup>11</sup> *Mo.* L. 1909 p. 425 sec. 7 (Regular prosecuting officer for the county or any probation officer may file complaint).

<sup>12</sup> *Texas* L. 1907 ch. 65 sec. 3—filed by District or County Attorney, under the general law of the state.

<sup>13</sup> *Utah* L. 1907 ch. 139 sec. 2.

<sup>14</sup> *Wasb.* L. 1908 ch. 18 sec. 4.

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may act when a petition is filed by a reputable person or when the Justice of the Peace, the District Attorney or the Judge of the Juvenile Court thinks the case in the interests of the child should not go to the Grand Jury.<sup>1</sup> Indiana makes complaint under oath necessary.<sup>2</sup> No provision is made for a special form of petition in states like Maryland, New York, and New Jersey, where action must, therefore, be begun by a complaint the same as when the offender is an adult.

### B. SUMMONS OR WARRANT

The substitution of the petition for the complaint is not as general as the substitution of the summons for the warrant. In a large number of states the law provides that after the filing of the petition or the complaint a "summons" shall be sent to the person having the custody or control of the child to appear with it in court. Notice to the parents, guardians or near relatives is also required in these states. Lest this, however, leave the court without authority to compel attendance, a provision is added that a warrant may issue when service by summons is ineffectual or likely to be and failure to obey the summons may be treated as contempt of court.<sup>3</sup> The only provision in the District of Columbia is that the Juvenile Court shall have the same power to issue process for arrest, subpoena, etc., as other courts.<sup>4</sup> In Utah if the parent or guardian fails to appear after notice has been given, and defend his rights to the custody, control or guardianship of the child charged with delinquency, such rights go by default and the court disposes of the child as it finds, from the evidence, to be best.<sup>5</sup> Pennsylvania gives the judge authority "to make all necessary orders for compelling the production of such child and the attendance of parents."<sup>6</sup> Alabama

<sup>1</sup> Pa. Purdon's Digest p. 1881 "51.

<sup>2</sup> Ind. L. 1907 ch. 203 sec. 1.

<sup>3</sup> These provisions are found in

Calif. Penal Code 1906 Appendix p. 626 sec. 5.

Colo. L. 1903 ch. 85 sec. 6, p. 626 sec. 5.

Ill. R. S. 1908 ch. 23 sec. 173.

Iowa L. 1904 ch. 11 sec. 4.

Kans. L. 1905 ch. 190 sec. 5.

Ken. L. 1908 ch. 69 sec. 4.

La. L. 1908 No. 83 sec. 11.

Mass. L. 1906 ch. 413 sec. 3. (Does not mention contempt.)

Mich. L. 1907 No. 325 sec. 5. (Summons issued only after investigation by the County agent and the court, after hearing his report, deems it for the interest of the public.)

Minn. L. 1906 ch. 285 sec. 5.

Mo. L. 1909 p. 425 sec. 4. (Failure to obey is contempt of court.)

Nebr. Compiled Statutes 1909 Sec. 2796, 5.

N. H. L. 1907 ch. 125 sec. 5.

Ohio L. 1908 sec. 8. ("Citation" instead of "petition.")

Ore. L. 1907 ch. 34 sec. 5.

Tenn. L. 1905 ch. 516 sec. 5.

Texas General Laws 1907 ch. 65 sec. 4.

Wash. L. 1905 ch. 18 sec. 5.

Wisc. L. 1901 ch. 90 sec. 5.

<sup>4</sup> D. C. 34 U. S. Statutes at Large 73, 17.

<sup>5</sup> Utah. L. 1907 ch. 139 sec. 3.

<sup>6</sup> Pa. Purdon's Digest p. 1888 sec. 52, L. 1907 Act 298 sec. 4 provides that sheriffs and constables must aid in the service of process, etc.

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provides that a warrant or capias may issue.<sup>1</sup> New York, Maryland, Rhode Island, and Connecticut have no special provisions for this, so the method of arrest usual in criminal actions is followed.

### C. TRIAL

State constitutions carefully provide for the trial of persons accused of crime, but these provisions do not apply to the Juvenile Court procedure in those states in which the child is regarded not as a criminal but as a delinquent. In the case of the latter, the state, as *parens patriæ*, is governed only by the consideration of what is for the best interests of the child, and courts would undoubtedly sustain any procedure which had this end in view.

It has been found best to make the trial quite informal so that an intimate, friendly relationship may be established at once between the judge and the child. To make this possible the laws provide in Indiana,<sup>2</sup> Iowa,<sup>3</sup> Kansas,<sup>4</sup> Kentucky,<sup>5</sup> Minnesota,<sup>6</sup> Missouri,<sup>7</sup> New Hampshire,<sup>8</sup> New Jersey,<sup>9</sup> Ohio,<sup>10</sup> Oregon,<sup>11</sup> Washington,<sup>12</sup> and Wisconsin<sup>13</sup> that the court shall proceed to hear and dispose of the case in a "summary manner." In Utah the court is regarded as exercising equity jurisdiction and "may adopt any form of procedure which is deemed best suited to ascertain the truth in the particular case. The delinquent may be compelled to testify respecting his alleged delinquency and the court may hear evidence in the absence of the delinquent."<sup>14</sup>

In contrast with this law New Jersey<sup>15</sup> and New York<sup>16</sup> require that the regular criminal procedure so far as applicable shall be used. In Michigan the regular criminal procedure must be used when the child is charged with felony.<sup>17</sup> To deprive an adult of his liberty without a jury trial would be regarded as a violation of the "due process" clause in the United States Constitution. While this provision is not interpreted as guaranteeing a jury trial to a child, in an abundance of caution, provision is usually made, even in states in which the law makes it very clear that the child is regarded not as criminal but as delinquent, for a jury of six when demanded by the child or when

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<sup>1</sup> Ala. L. 1907 p. 363 sec. 6.

<sup>2</sup> Ind. L. 1907 ch. 203 sec. 3.

<sup>3</sup> Iowa L. 1904 ch. 11 sec. 4.

<sup>4</sup> Kan. L. 1905 ch. 190 sec. 5.

<sup>5</sup> Ken. L. 1908 ch. 67 sec. 4.

<sup>6</sup> Minn. L. 1905 ch. 285 sec. 5.

<sup>7</sup> Mo. L. 1909 p. 425 sec. 4.

<sup>8</sup> N. H. L. 1907 ch. 125 sec. 5.

<sup>9</sup> N. J. L. 1903 ch. 219 sec. 3.

<sup>10</sup> Ohio L. 1908 p. 194 sec. 10.

<sup>11</sup> Ore. L. 1907 ch. 34 sec. 5.

<sup>12</sup> Wash. L. 1905 ch. 18 sec. 5.

<sup>13</sup> Wisc. Sup. to Wisc. St. of 1898, sec. 573, 5 subdivision 2.

<sup>14</sup> Utah L. 1907 ch. 139 sec. 5.

<sup>15</sup> N. J. L. 1903 ch. 219 secs. 2, 3, and 4. (Child must plead to charge delinquent, be advised of his right to Grand Jury, etc.)

<sup>16</sup> N. Y. Charter N. Y. City sec. 1418. B. C. & G's. Consol. Laws 1909 p. 3836 sec. 487.

<sup>17</sup> Mich. L. 1907 No. 325 sec. 2.

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the judge deems it advisable.<sup>1</sup> There is, however, another reason for such a provision. The parent is entitled to his child's earnings, so in the disposition which the court makes of a child the property rights of an adult may be affected.

### D. APPEAL

The District of Columbia,<sup>2</sup> Indiana,<sup>3</sup> Iowa,<sup>4</sup> Kansas,<sup>5</sup> Massachusetts,<sup>6</sup> Missouri,<sup>7</sup> New Hampshire,<sup>8</sup> Utah,<sup>9</sup> and Wisconsin,<sup>10</sup> make special provision for an appeal from the decision of the Judge of the Juvenile Court although it is not necessary where a general trial court is given jurisdiction over juvenile offenders.

## IV. RECORDS AND REPORTS

A separate Juvenile Record must be kept in Alabama,<sup>11</sup> California,<sup>12</sup> Colorado,<sup>13</sup> Illinois,<sup>14</sup> Indiana,<sup>15</sup> Iowa,<sup>16</sup> Kentucky,<sup>17</sup> Massachusetts,<sup>18</sup> Michigan,<sup>19</sup> Minnesota,<sup>20</sup> Mis-

<sup>1</sup> Ala. Local Acts 1907 p. 363 sec. 3.

Colo. L. 1903 ch. 85 sec. 2.

D. C. 34 U. S. Statutes at Large 73 sec. 12 (Must be jury unless accused in open court expressly waives the right).

Ga. L. 1908 p. 1107.

Ind. L. 1907 ch. 203 sec. 1.

Iowa. L. 1904 ch. 11 sec. 4 (Must be a jury).

Ken. L. 1908 ch. 67 sec. 2 (Shall be granted as in other cases unless waived).

Mich. L. 1907 No. 325 sec. 2.

Mo. L. 1909 p. 425 sec. 2.

Nebr. Compiled Statutes 1909 sec. 2796, 2.

N. J. L. 1903 ch. 219 sec. 7 (When offense constitutes a crime).

Ohio. L. 1908 p. 194 sec. 11.

Ore. L. 1907 ch. 34 sec. 12.

Texas. L. 1907 ch. 65 sec. 2. (Delinquents.)  
ch. 64 sec. 2. (Dependents.)

Wisc. L. 1907 p. 129 sec. 573-2 (7).

<sup>2</sup> D. C. 34 U. S. Statutes at Large 73 sec. 22 (By either U. S. or accused).

<sup>3</sup> Ind. L. 1907 ch. 136 sec. 1 (Both as to questions of fact and law).

<sup>4</sup> Iowa. L. 1904 ch. 11 sec. 4 (Defendant alone has the right).

<sup>5</sup> Kans. L. 1905 ch. 190 sec. 12. ("Final hearing and disposition to be in the spirit of the act.")

<sup>6</sup> Mass. L. 1906 ch. 413 sec. 5.

<sup>7</sup> Mo. L. 1909 p. 430 sec. 21 (May be taken by relative of fourth degree).

<sup>8</sup> N. H. L. 1907 ch. 125 sec. 18.

<sup>9</sup> Utah. L. 1907 ch. 139 sec. 7 (By parent or guardians).

<sup>10</sup> Wisc. L. 1907 p. 133 sec. 573, 6 and 3.

<sup>11</sup> Ala. Local Acts, 1907 p. 363 sec. 11.

<sup>12</sup> Calif. Penal Code Appendix p. 625 sec. 2.

<sup>13</sup> Colo. L. 1907 ch. 168 sec. 2 (Also a Juvenile Docket).

<sup>14</sup> Ill. R. S. 1908 ch. 23 sec. 171.

<sup>15</sup> Ind. L. 1903 ch. 237 sec. 1.

<sup>16</sup> Iowa. L. 1904 ch. 11 sec. 1.

<sup>17</sup> Ken. L. 1908 ch. 67 sec. 2 (Also a Juvenile Docket).

<sup>18</sup> Mass. L. 1906 ch. 413 sec. 6 (Also a Juvenile Docket).

<sup>19</sup> Mich. L. 1907 No. 325 sec. 3.

<sup>20</sup> Minn. L. 1905 ch. 283 sec. 3.

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souri,<sup>1</sup> Nebraska,<sup>2</sup> New York,<sup>3</sup> New Hampshire,<sup>4</sup> Ohio,<sup>5</sup> Oregon,<sup>6</sup> Tennessee,<sup>7</sup> Texas,<sup>8</sup> Utah,<sup>9</sup> Washington,<sup>10</sup> and Wisconsin.<sup>11</sup> For the courts of the District of Columbia,<sup>12</sup> Baltimore<sup>13</sup> and New York City<sup>14</sup> the statutes provide also for a separate clerk. A report of the cases which does not disclose the name or identity of the child or parent must be made in Kansas,<sup>15</sup> Kentucky,<sup>16</sup> Missouri,<sup>17</sup> and New York<sup>18</sup> to the Governor, in Utah,<sup>19</sup> to the Juvenile Court Commission, in Colorado<sup>20</sup> to the State Board of Charities and Corrections and in Tennessee<sup>21</sup> to the County Court.

### V. PLACE WHERE COURT IS HELD AND EXCLUSION OF THE PUBLIC

While the ideal way is to have, as Chicago and Milwaukee have, a separate Juvenile Court building, this can hardly be required by law as yet. A number of the states, however, make it necessary to hold Juvenile Court in a separate room.<sup>22</sup> California, Oregon, and Washington provide that juvenile cases should be heard at a special session of the court and no one else on trial or awaiting trial shall be allowed to be present.<sup>23</sup> Maryland and Michigan laws provide that the trial must be held in some

<sup>1</sup> Mo. L. 1909 p. 423 sec. 2.

<sup>2</sup> Nebr. Compiled Statutes 1909 sec. 2796, 3.

<sup>3</sup> N. Y. L. 1906, ch. 317 (Also a Juvenile docket; applies to Rochester) B. C. & G's. Consol. Laws 1909 p. 3836 sec. 487.

<sup>4</sup> N. H. L. 1907 ch. 125 sec. 3 (A Juvenile Docket).

<sup>5</sup> Ohio. L. 1908 p. 192 sec. 3.

<sup>6</sup> Ore. L. 1907 ch. 34 sec. 3.

<sup>7</sup> Tenn. L. 1905 ch. 516 sec. 2. (Also a Juvenile Docket.)

<sup>8</sup> Texas. Gen. L. 1907 ch. 65 sec. 2.

<sup>9</sup> Utah. L. 1907 ch. 139 sec. 1.

<sup>10</sup> Wash. L. 1905 ch. 18 sec. 3.

<sup>11</sup> Wisc. L. 1907 ch. 34 sec. 3.

<sup>12</sup> D. C. 34 U. S. Statutes at Large 73 sec. 6.

<sup>13</sup> Md. L. 1904 ch. 521.

<sup>14</sup> N. Y. L. 2902 ch. 50.

<sup>15</sup> Kans. L. 1907 ch. 177 sec. 11.

<sup>16</sup> Ken. L. 1908 ch. 67 sec. 2.

<sup>17</sup> Mo. L. 1909 p. 425 No. 2.

<sup>18</sup> N. Y. L. 1902 ch. 590 sec. 2—(City of N. Y.)

<sup>19</sup> Utah. L. 1907 ch. 139 sec. 12.

<sup>20</sup> Colo. L. 1903 ch. 85 sec. 2.

<sup>21</sup> Tenn. L. 1905 ch. 516 sec. 2.

<sup>22</sup> Ills. R. S. 1908 ch. 23 sec. 171 (In counties having population of 500,000).

<sup>23</sup> Ind. L. 1907 ch. 203 sec. 2.

<sup>24</sup> Ken. L. 1908 ch. 67 sec. 2 (In counties containing city of the first class).

<sup>25</sup> La. L. 1908 No. 33 sec. 3 (City of New Orleans shall provide suitable accommodations for the court in a building separate from the criminal court building).

<sup>26</sup> Mass. L. 1906 ch. 413 sec. 6.

<sup>27</sup> Minn. L. 1905 ch. 285 sec. 3.

<sup>28</sup> Miss. L. 1905 p. 57 sec. 2.

<sup>29</sup> Mo. L. 1909 p. 425 sec. 2.

<sup>30</sup> Nebr. Compiled Statutes No. 2706 sec. 3 (In counties having over 40,000).

<sup>31</sup> N. H. L. 1907 ch. 34 sec. 3.

<sup>32</sup> N. Y. B. C. & G's. Consol. Laws, 1909, p. 3836 sec. 487.

<sup>33</sup> Ohio. L. 1908 sec. 3 p. 194 sec. 9 (Not used for criminal cases when avoidable).

<sup>34</sup> Pa. Purdon's Digest, p. 1881 sec. 50.

<sup>35</sup> Calif. Penal Code 1906 Appendix p. 625 sec. 2.

<sup>36</sup> Ore. L. 1907 ch. 34 sec. 3.

<sup>37</sup> Wash. L. 1905 ch. 18 sec. 3.

## JUVENILE COURT LAWS SUMMARIZED

"proper" place in the Court House.<sup>1</sup> A few states provide that the trial shall not be public and all persons who are not necessary to it shall be excluded.<sup>2</sup> Although this is required by statute in only a few of the states, it is the policy of the judges in a good many places to exclude children and adults who have no interest in the case.

### VI. DISPOSITION OF CHILD PENDING TRIAL

Under the old régime the child offender was subject to the rule which applies to adults, that if unable to give bond for his appearance he must go to jail to await his trial. This, because it brands the child as a criminal and places him under the influence of the hardened offender, is a most objectionable method. For these reasons the provision is made in a few of the states that anyone who knowingly incarcerates a child, who is under the age defined by law, in the county jail or police station is guilty of a misdemeanor.<sup>3</sup> More often the law provides that any child under the age fixed by the Juvenile Court law may be placed in the detention school or other suitable places provided by city or county authorities and that no child under twelve,<sup>4</sup> fourteen,<sup>5</sup> or in a few states sixteen or seventeen<sup>6</sup> years of age, shall be committed to jail and

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<sup>1</sup> Md. L. 1904 ch. 521 (Applies to Baltimore).

Mich. L. 1907 No. 325 sec. 3.

<sup>2</sup> Ind. L. 1907 ch. 1203, sec. 2.

La. L. 1904 ch. 11, sec. 7.

Ken. L. 1908 ch. 67, sec. 4 (so far as lawful).

Mass. L. 1906 ch. 489, sec. 5.

Mich. L. 1907 No. 325, sec. 3.

N. H. L. 1907 ch. 125, sec. 3. (Newspapers not allowed to publish proceedings.)

<sup>3</sup> Kans. L. 1905 ch. 190 sec. 6. (Except when child is charged with felony.)

Ken. L. 1908 ch. 67 sec. 4.

La. L. 1908 No. 83 sec. 11.

Mo. L. 1909 p. 428 sec. 14.

Pa. Purdon's Digest p. 1882 sec. 58.

Utah. L. 1907 ch. 139 sec. 5.

<sup>4</sup> Ill. R. S. 1908 p. 277 sec. 179.

Mich. L. 1907 No. 325 sec. 8.

L. 1905 No. 312 sec. 7.

Calif. Penal Code 1906 Appendix 630 sec. 17.

<sup>5</sup> Colo. L. 1903 ch. 85 sec. 6.

Idaho. L. 1905 p. 106 sec. 4.

Ken. L. 1908 ch. 67 sec. 4. (Fine of \$100 for knowingly violating this provision.)

Mass. L. 1906 ch. 413 sec. 3. (Except when arrested in the act of violating a law of the commonwealth or on a warrant) sec. 5. (If over 14 may be committed to jail if court thinks he will not otherwise appear for trial.)

Mon. L. 1907 ch. 92 sec. 10.

Nebr. Compiled Statutes 1909, 2796 sec. 11.

Ohio. L. 1908 p. 196 sec. 17.

Tenn. L. 1905 ch. 516 sec. 5.

Wash. L. 1905 ch. 18 sec. 9.

Wisc. Sup. to St. of 1898 sec. 573 subd. 9.

<sup>6</sup> Under 16 or 17 years of age.

Kans. L. 1905 ch. 190 sec. 6 (under 16).

N. H. L. 1907 ch. 125 sec. 15 (under 17).

Texas. General Laws 1907 ch. 65 sec. 4. (under 16).

Utah. Compiled L. 1907 Title 16 ch. 12, 43 (under 17).

## TOPICAL ABSTRACT OF JUVENILE COURT LAWS

those over this age if confined in any institution where adult convicts are, must not be placed in the same buildings, yard, or inclosure with the adults.<sup>1</sup>

The Alabama law provides that in Mobile incarceration shall take place only when necessary and that the child shall have the same right as the adult to give bonds for his appearance at the trial.<sup>2</sup> In Georgia the county must, upon request of the judge, provide a proper detention room or house separate from the jail.<sup>3</sup> In New Jersey an arrested child charged with any crime (except murder or manslaughter) or with being a disorderly person, or habitually vagrant or incorrigible, is committed to jail or the detention school or paroled to await trial at the discretion of the Judge.<sup>4</sup> The Maryland law provides that in the absence of other suitable place the child may be held at the police station pending trial as heretofore or in some juvenile institution or "other suitable prison, instead of the Baltimore City jail."<sup>5</sup> Minnesota, Oregon, and New Hampshire make provision only that until trial the child may be retained in the possession of the person having charge of the same or may be kept in some suitable place provided by the city or county.<sup>6</sup> In the great majority of cases the child who is awaiting trial may be allowed to remain in his home under the care of his parents or guardians, but in some cases conditions are such as to render this impossible. The child must then be held by the state, but under such conditions that his reformation shall begin at once if possible. For this reason the place of detention is made a "home" or "school" instead of a jail. In California,<sup>7</sup> Illinois,<sup>8</sup> Kansas,<sup>9</sup> Kentucky,<sup>10</sup> Michigan,<sup>11</sup>

<sup>1</sup> Calif. Penal Code 1906 Appendix p. 630 sec. 17.

*Ind.* L. 1907 ch. 203 sec. 1.

*Ill.* R. S. St. 1908 ch. 23 sec. 179.

*Iowa* L. 1904 ch. 11 sec. 11. (If under 17 years of age).

*Mo.* L. 1905 p. 60 sec. 16.

*Mich.* L. 1907 No. 325 sec. 8.

*Miss.* L. 1907 p. 133, 573, 9 (If under 16).

*Nebr.* Compiled Statutes 1909 sec. 2796 sec. 11.

*N. H.* L. 1907 ch. 126 sec. 15 (If under 17).

*N. Y.* Penal Code 1908, No. 291 Subd. 6 (If under 16).

B. C. & G's Consol. St. 1909 p. 763, sec. 92.

*Ore.* L. 1907 ch. 34 sec. 12.

*Pa.* L. 1903 No. 205 sec. 7 Age (not specified).

*R. I.* L. 1899 ch. 664 No. 4. (Age not specified—Juvenile shall not be transported or confined with non-Juvenile.)

*Wisc.* Sup. to St. of 1898 Sec. 573 subdiv. 9.

<sup>2</sup> *Ala.* Local Acts 1907 p. 363 secs. 6 and 7.

<sup>3</sup> *Ga.* L. 1908 p. 1107.

<sup>4</sup> *N. J.* L. 1903 ch. 219 sec. 1.

L. 1906 ch. 27 sec. 4.

<sup>5</sup> *Md.* L. 1904 ch. 521 sec. 1.

<sup>6</sup> *Minn.* L. 1907 ch. 285 sec. 5.

*Ore.* L. 1907 ch. 34 sec. 5.

*N. H.* L. 1907 ch. 125 sec. 5.

<sup>7</sup> *Calif.* Penal Code 1906 Appendix p. 630, sec. 16.

<sup>8</sup> *Ill.* L. 1907 p. 59 Nos. 1-17 (If 25 per cent. of the voters petition for the establishment of a detention home it must be submitted to the voters and if a majority of those voting on the proposition vote for it, it must be established. L. 1907 p. 56 sec. 6.

<sup>9</sup> *Kans.* L. 1907 ch. 177 sec. 7 (Provides for detention homes in counties having a population of 200,000—juvenile farms in those having 25,000).

<sup>10</sup> *Ken.* L. 1608 ch. 67 sec. 4. (In cities of first and second class except those where the Board of Children's Guardians have already provided one, detention homes shall be established.)

<sup>11</sup> *Mich.* L. 1907 No. 326 sec. 3—(County Board shall establish).

## JUVENILE COURT LAWS SUMMARIZED

Minnesota,<sup>1</sup> Missouri,<sup>2</sup> Nebraska,<sup>3</sup> New Jersey,<sup>4</sup> Ohio,<sup>5</sup> Oregon,<sup>6</sup> Pennsylvania,<sup>7</sup> Tennessee,<sup>8</sup> Utah,<sup>9</sup> and Washington,<sup>10</sup> the law requires or authorizes the county commissioners to establish such "schools," "homes," or "rooms" which shall not be connected with the jail, shall be in charge of a superintendent and matron "and shall combine as far as possible the function of home and school." The court may commit any child needing treatment to a hospital in Illinois<sup>11</sup> and Kentucky.<sup>12</sup>

### VII. FINAL DISPOSITION OF THE CHILD

In the disposition of the child after trial, most of the states authorize the court to continue the hearing from time to time, leaving the child, under the supervision of a probation officer, in its home or in some suitable family or to commit it to some detention school or House of Reform or to any institution willing to receive it and having for its object the care of delinquent children.<sup>13</sup> In Connecticut,<sup>14</sup> the District of Co-

<sup>1</sup> Minn. L. 1907 ch. 172 sec. 1—(County Board may with approval of the Judge establish).

<sup>2</sup> Mo. L. 1909 p. 428 sec. 12.—(Duty of the county court to provide such a place).

<sup>3</sup> Nebr. Compiled Statutes 1909 Sec. 2796, 22.

<sup>4</sup> N. J. L. 1906 ch. 37 sec. 1 (County Board may establish).

<sup>5</sup> Ohio. L. 1908 p. 199 sec. 30 (County Commissioners may upon advice of the Judge establish).

<sup>6</sup> Ore. L. 1907 ch. 34 sec. 7 (In counties of more than 100,000).

<sup>7</sup> Pa. Purdon's Digest p. 1880 No. 47. In cities of first and second class.

<sup>8</sup> Tenn. L. 1907 ch. 110 sec. 1.

L. 1905 ch. 516 sec. 5. (County Court shall provide.)

<sup>9</sup> Utah L. 1907 ch. 144 secs. 1-7 (Counties having cities of first and second class may establish).

<sup>10</sup> Wash. L. 1905 ch. 18 sec. 11. (Must provide suitable and separate rooms.)

<sup>11</sup> Ill. Revised Statutes 1908 ch. 23 sec. 177.

<sup>12</sup> Ken. L. 1908 ch. 67 sec. 8.

<sup>13</sup> Ala. Local Acts, 1907 p. 363 sec. 9.

Calif. Penal Code 1906 Appendix 630a sec. 15 and 630c sec. 16.

Colo. L. 1903 ch. 85 sec. 9.

Ga. L. 1908 p. 1107 (If offense is not punishable by death or life imprisonment).

Ill. R. S. 1908 ch. 23 sec. 178.

Ind. L. 1907 ch. 203 sec. 1.

Iowa. L. 1904 ch. 11 sec. 1.

Kans. L. 1905 ch. 190 secs. 6 and 9.

Ken. L. 1908 ch. 67 sec. 7.

La. L. 1908 No. 83 sec. 17.

Mass. L. 1906 ch. 413 secs. 5 and 8.

Md. L. 1905 p. 60 sec. 16.

Mich. L. 1907 No. 325 secs. 5 and 6. (Most of the above provisions.)

Minn. L. 1905 ch. 285 sec. 5.

Mo. L. 1909 p. 429 sec. 17.

Nebr. Compiled St. 1909 sec. 2796, 9.

N. H. L. 1907 ch. 125 sec. 15.

Ohio. L. 1908 p. 194 sec. 12.

Ore. L. 1907 ch. 34 sec. 10.

Penn. Purdon's Digest, p. 1882 sec. 56.

Tenn. L. 1905 ch. 516 sec. 8.

Texas. General Laws, 1907 ch. 65 sec. 7.

Utah. L. 1907 ch. 139 secs. 4 and 5.

Wash. L. 1905 ch. 18 sec. 8.

Wisc. Sup. to Wisc. St. of 1898 sec. 573, 6. Subdiv. 1—(Hearing may be continued only until child is 16).

<sup>14</sup> Conn. L. 1905 ch. 142 sec. 4.

## TOPICAL ABSTRACT OF JUVENILE COURT LAWS

lumbia,<sup>1</sup> Indiana,<sup>2</sup> and Massachusetts,<sup>3</sup> the law allows the court to fine or imprison the child for the original offense or for violating the conditions of its parole. In Georgia,<sup>4</sup> Maryland,<sup>5</sup> New Jersey,<sup>6</sup> and New York,<sup>7</sup> the adoption of the more modern as well as the more humane method of handling delinquent children is left to the judge by providing that the sentence may be imposed or suspended and the child placed on probation or parole, while Illinois,<sup>8</sup> Massachusetts,<sup>9</sup> Ohio,<sup>10</sup> Oregon,<sup>11</sup> and Texas,<sup>12</sup> states which have adopted most advanced legislation, leave a loophole for a return to the old system by providing that the judge may order the child to be proceeded against and sentenced under the existing criminal laws of the state.<sup>13</sup>

### VIII. PROBATION OFFICERS

#### A. APPOINTMENT

The laws of the various states providing for the appointment of probation officers are quite uniform. The chief officer is appointed by the court in all the states with the following exceptions—California<sup>14</sup> by the Probation Commission; Rhode Island<sup>15</sup> by the State Board of Charities; Utah,<sup>16</sup> by the Juvenile Court Commission; in Rochester, N. Y.,<sup>17</sup> by the Committee of Public Safety; Illinois,<sup>18</sup> Missouri,<sup>19</sup> and

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<sup>1</sup> D. C. 34 U. S. Statutes at Large 73 secs. 17 and 20. (Fines and penalties may be imposed.)

<sup>2</sup> Ind. L. 1907 ch. 203 sec. 7. (For petit larceny and malicious trespass.)

<sup>3</sup> Mass. L. 1906 ch. 413 sec. 9. (Fine of \$5 for violation of the conditions of its probation. If not paid child may be sent to jail.)

<sup>4</sup> Ga. L. 1908 p. 1107.

<sup>5</sup> Md. L. 1904 ch. 514, "at any stage of the proceedings in the case of a minor who is charged with crime," the magistrate may suspend further action and place the minor in the care of a probation officer on such terms as he deems proper.

<sup>6</sup> N. J. L. 1908 ch. 219 sec. 7. (Child may be committed to care of probation officer, to a school or institution or may be fined or imprisoned or both.)

<sup>7</sup> N. Y. L. 1902 ch. 590 sec. 5. (New York City.)

L. 1906 ch. 317 (Rochester).

(Court may "impose or suspend sentence or remit to probation.")

B. C. & G's. Consol. Laws 1909 p. 3832 sec. 486 subdiv. 5, 8, and 9.

<sup>8</sup> Ill. R. S. 1908, ch. 23, sec. 175.

<sup>9</sup> Mass. L. 1906, ch. 413, sec. 11. (If child is over 14.)

<sup>10</sup> Ohio. L. 1908, p. 202, sec. 39. (When charged with felony.)

<sup>11</sup> Oregon. L. 1907, ch. 34, sec. 10. (When the child shall "be found by the court to be incorrigible and incapable of reformation or dangerous to the welfare of the community" to show "great depravity of mind" or be an "habitual criminal" it shall then be subject to judgment therefor, in the same manner as if he had been over the age of 18 years.)

<sup>12</sup> Texas. General L., 1907, ch. 65, sec. 9.

<sup>13</sup> While Georgia's juvenile legislation does not belong to the same class as the states just named, it contains a provision on this point, that a child over 10 may be committed to take his trial according to law, L. 1908, p. 1107.

<sup>14</sup> Calif. Penal Code, 1906, p. 629. (The Probation Commission is composed of six men or women appointed by the Court. Ibid., 627, No. 6.)

<sup>15</sup> R. I. L. 1906, ch. 1360, sec. 1.

<sup>16</sup> Utah L. 1907, ch. 139, sec. 9. Judge makes recommendation to the Commission.

<sup>17</sup> N. Y. 1906, ch. 317. Additional ones without pay may be appointed by the police judge.

<sup>18</sup> Ills. R. S., 1908, ch. 23, sec. 174. This applies only to counties having population of over 500,000. Court appoints in counties less than 500,000 population.

<sup>19</sup> L. 1909, p. 428, sec. 13.

## JUVENILE COURT LAWS SUMMARIZED

Wisconsin<sup>1</sup> provide that the appointment of all probation officers must be made from an eligible list determined by competitive civil service examination; and in Michigan<sup>2</sup> the County Agent of the State Board of Charities and Corrections, who is appointed by the Governor, acts as Chief Probation Officer and subordinates are appointed by the court. Subordinate or deputy probation officers are appointed by the court in all the states except Illinois, Missouri, and Wisconsin, where the entire service is on a civil service basis,<sup>3</sup> and Rhode Island,<sup>4</sup> where they are appointed by the Chief Probation Officers.

### B. NUMBER AND SALARY

The number and salary of the probation officers in the various states differ with the regard in which the whole Juvenile Court movement is held by the state and with its wealth and population. Not all these differences are important, but some of them are rather significant.

In Michigan,<sup>5</sup> New York,<sup>6</sup> Pennsylvania,<sup>7</sup> Texas<sup>8</sup> and Tennessee<sup>9</sup> the probation officers are not paid, at least not from the public funds.

In California,<sup>10</sup> Idaho,<sup>11</sup> Indiana,<sup>12</sup> Kansas,<sup>13</sup> Missouri,<sup>14</sup> Nebraska,<sup>15</sup> Ohio,<sup>16</sup> and Washington<sup>17</sup> the maximum compensation is fixed by law.

In Kentucky the law provides that the fiscal court may levy a tax not to exceed one fourth of a cent on \$100 worth of property to meet the expense of the court and its officers.<sup>18</sup>

In Illinois<sup>19</sup> and Missouri<sup>20</sup> the number of officers is determined by the court—the salary in the former being fixed by the County Board, in the latter by statute.

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<sup>1</sup> Wis. L. 1907, p. 128, No. 573. Examination is conducted by the Civil Service Commission, p. 139, sec. 7. Officers may be removed for incompetence or wilful neglect.

<sup>2</sup> Mich. L. 1907, No. 325, sec. 4.

<sup>3</sup> Ills., Mo. and Wis., *supra*.

<sup>4</sup> R. I. L. 1906, ch. 1360, No. 1.

<sup>5</sup> Mich. L. 1907, No. 326, Sec. 4. The County Agent who acts as Chief Probation Officer receives a *per diem*, the other officers nothing.

<sup>6</sup> Sec. 11a of the Code of Criminal Procedure provides for the appointment of probation officers by courts having jurisdiction of criminal affairs. There is no general probation laws for juvenile delinquents and in most cities the officers are paid by some private organization interested in the prevention of delinquency among children.

<sup>7</sup> Pa. Purdon's Digest, 1882, Sec. 53.

<sup>8</sup> Texas, Gen'l L. 1907, Ch. 65.

<sup>9</sup> Tenn. L. 1905, Ch. 516, Sec. 7.

<sup>10</sup> Calif. Penal Code, 1906, p. 628, Sec. 10.

<sup>11</sup> Idaho. L. 1907, p. 63, Sec. 2.

<sup>12</sup> Ind. L. 1903, ch. 237, Sec. 2.

<sup>13</sup> Kans. L. 1907, p. 177, Sec. 13.

<sup>14</sup> Mo. L. 1907, p. 427, Sec. 11.

<sup>15</sup> Nebr. Compiled Statutes, 1909, Sec. 27966.

<sup>16</sup> Ohio. L. 1906, p. 197, Sec. 22.

<sup>17</sup> Wash. L. 1907, ch. 110. (In cities of first class. Unpaid in others.)

<sup>18</sup> Ken. L. 1908, ch. 67, Sec. 21. This applies to cities of first and second classes. Expenses have so far been met without levying a special tax.

<sup>19</sup> Ills. R. S. 1908, ch. 23, Sec. 174.

<sup>20</sup> Mo. L. 1909, p. 428, Secs. 9, 10, 11.

## TOPICAL ABSTRACT OF JUVENILE COURT LAWS

In Colorado,<sup>1</sup> Massachusetts,<sup>2</sup> and Wisconsin<sup>3</sup> the number is fixed by the Court and the County Board; in Alabama<sup>4</sup> by law.

### C. DUTIES

The duties of the probation officers, the law provides in almost all of the states having Juvenile Court Laws, shall be (*a*) to investigate any child to be brought before the Court, (*b*) to be present in court to represent the interests of the child, (*c*) to furnish such information as the judge may require, and (*d*) to take charge of any child before and after trial.<sup>5</sup> Utah, with the longest list of duties, adds to those given above that the officers must make complaint before the court of any case of delinquency coming to their knowledge, serve notices, and file complaints against parents contributing to the dependency or delinquency of their children.<sup>6</sup> In Massachusetts, New Hampshire, New Jersey, New York, and Rhode Island, where the probation system antedates the Juvenile Court, the placing of children on parole or probation comes under the regulations for offenders<sup>7</sup> generally.

Congress has allowed the Judge to define the duties of probation officers in the District of Columbia.<sup>8</sup>

<sup>1</sup> Colo. L. 1903, ch. 85, Sec. 8.

<sup>2</sup> Mass. R. S. ch. 217, Sec. 81.

<sup>3</sup> Wisc. L. 1907, p. 128, Sec. 573. (From two to five.)

<sup>4</sup> Ala. Local Acts, 1907, p. 363, Sec. 8. (There is only one.)

<sup>5</sup> These provisions are found in the following states.

Ala. Local Acts, p. 363, Sec. 8.

Calif. Penal Code, 1908, Appendix, p. 630, Sec. 14.

Colo. L. 1903, ch. 85, Sec. 8.

Conn. L. 1905, ch. 142, Sec. 2. (Does not provide for attendance at court.)

Idaho. L. 1907, p. 231, Sec. 2—L. 1905, p. 00, Sec. 12.

Ills. R. S. 1908, ch. 23, Sec. 174.

Ind. L. 1907, ch. 203 Sec. 5 and 6. (Must also visit child twice a year.)

Iowa. L. 1904, ch. 11, Sec. 6.

Kans. L. 1905, ch. 190, Sec. 3.

Ken. L. 1908, ch. 67, Sec. 3.

La. L. 1908, No. 83, Sec. 11 and 13 (*a b* and *d* above)

Md. L. 1904, ch. 514, Sec. 1 (except *b*).

Mich. L. 1907, No. 325, Sec. 5 and 11 (*a* and *d* only).

Minn. L. 1905, ch. 285, Sec. 6 and ch. 321, Sec. 2.

L. 1907, ch. 342, Sec. 2.

Mo. L. 1909, p. 427, Sec. 9.

Nebr. Compiled Statutes, 1909, Sec. 2796, 6.

Ohio. L. 1908, p. 198, Sec. 23.

Oregon. L. 1907, ch. 34, Sec. 6.

Pa. Purdon's Digest, p. 1882, Sec. 53 (*b* not given).

Tenn. L. 1905, ch. 516, Sec. 7.

Texas, Gen'l Laws, 1907, ch. 65, Sec. 6.

Wash. L. 1905, ch. 18, Sec. 6.

Wisc. L. 1907, p. 130, Sec. 573.

<sup>6</sup> Utah. L. 1907, ch. 139, Sec. 11.

<sup>7</sup> Mass. R. S. ch. 217, Sec. 34, 35, and 36.

N. H. L. 1907, ch. 125, Sec. 8.

N. J. L. 1906, ch. 74, Sec. 3.

N. Y. Code of Criminal Procedure, 1908, Sec. 11a, 2.

R. I. L. 1880, ch. 664, Sec. 3 and 7.

<sup>8</sup> D. C. 34 U. S. Statutes at Large 43, Sec. 4.

## IX. CONSTRUCTION OF JUVENILE COURT LAWS

Those states which have the more complete Juvenile Court laws add to the careful provisions for the trial and disposition of delinquent children which are made in order that they may be reformed and not punished, that the law shall be liberally construed for the protection of the child.<sup>1</sup>

## X. ADULT RESPONSIBILITY FOR JUVENILE DELINQUENCY

Of all laws calculated to prevent delinquency among children, those that punish by fine or imprisonment the parents or other persons who contribute to such delinquency are the most significant.<sup>2</sup>

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<sup>1</sup> *Calif.* Penal Code Appendix, 1906, p. 630*et seq.*, Sec. 20.

*Colo.* L. 1903, ch. 86, Sec. 11.

*Ills.* R. S. 1908, ch. 23, Sec. 189.

*Ind.* L. 1903, ch. 237, Sec. 10.

*Iowa* L. 1904, ch. 11, Sec. 16.

*Kans.* L. 1906, ch. 190, Sec. 15.

*Ken.* L. 1908, ch. 67, Sec. 18.

*Mass.* L. 1906, ch. 413, Sec. 2.

*Minn.* L. 1905, ch. 285, Sec. 14.

*Mo.* L. 1909, p. 431, Sec. 23.

*Nebr.* Compiled Statutes, 1909, Sec. 2796, 17.

*N. H.* L. 1907, ch. 125, Sec. 19.

*Ohio* L. 1908, p. 202, Sec. 40.

*Oregon* L. 1907, ch. 34, Sec. 18.

*Texas Gen'l* L. 1907, ch. 65, Sec. 10.

*Utah* L. 1907, ch. 139, Sec. 17.

*Wasb.* L. 1905, ch. 18, Sec. 12.

<sup>2</sup> The following states have adopted legislation of this sort.

*Colo.* L. 1903, ch. 94, Sec. 1. L. 1907, ch. 155. (Allows \$1000 fine or 12 months' imprisonment or both for causing delinquency.)

*Conn.* L. 1907, ch. 69, Sec. 1. (\$500 fine or 6 months' imprisonment or both.)

*D. C.* 34 U. S. Statutes at Large 73, Sec. 26. (\$200 fine or 3 months' imprisonment or both.)

*Idaho* L. 1907, No. 63, Sec. 1. (\$500 or 6 months' imprisonment or both.)

*Ills.* R. S. 1906, p. 717, Sec. 42 *b b.* (\$200 fine or 12 months' imprisonment or both.)

*Ind.* L. 1905, ch. 145, Nos. 2 and 3. (Fine \$500 or 6 months' imprisonment or both.)

*Kans.* L. 1907, ch. 177, No. 1. (\$1000 fine or one year imprisonment or both.)

*Ken.* L. 1905, ch. 60, Secs. 1 and 2.

*Mass.* L. 1906, ch. 413, Sec. 13. (\$50 fine; 6 months' imprisonment or both; made a misdemeanor.)

*Minn.* L. 1907, ch. 92, Sec. 1. (\$500 fine; 6 months' imprisonment or both.)

(The Minnesota law is sweepingly drawn. It provides that any person who "by an act of omission or commission or by word, shall have encouraged, caused or contributed to . . . the delinquency, dependency or neglect of such child.")

*Mo.* L. 1907, p. 231, Sec. 1.

*Nebr.* Compiled Statutes, 1909, Sec. 2796, 20. (\$500 fine or 6 months' imprisonment or both.)

*N. J.* L. 1905, ch. 160, Sec. 1. (\$1000 fine or 6 months' imprisonment or both.)

## TOPICAL ABSTRACT OF JUVENILE COURT LAWS

Colorado,<sup>1</sup> and Kentucky<sup>2</sup> provide that this proceeding against the parent or responsible adult shall be on the "verified petition of a reputable resident" and he shall be brought into court by a summons instead of by warrant as the other states provide. In most states when a person is convicted of causing or contributing to the delinquency of a child, the judgment may be suspended and the parent placed on probation to remove former conditions or causes, and upon his failing to do this, judgment may be entered.<sup>3</sup>

### XI. RELATION OF COURT TO INSTITUTIONS IN WHICH CHILDREN ARE PLACED

After a child has been brought into court, and it has been found necessary or advisable by the court to place him in some institution, the states differ as to whether or not he then passes out of the control of the court. In the District of Columbia,<sup>4</sup>

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Applies only to parents who fail to use "due diligence" to prevent misconduct of child.)

*L.* 1907, ch. 585, makes failure to keep children in school or not notifying authorities of inability to do so a misdemeanor.

*N. Y.* Penal Code (1908) Sec. 289, Subdivision 3. (A misdemeanor and punishable accordingly.)

*Ohio.* L. 1908, p. 192, Sec. 23. (\$1000 fine, 12 months' imprisonment or both.)

*Texas.* L. 1907, ch. 109, Sec. 1. (\$1000 fine, 12 months' imprisonment or both.)

*Utah.* L. 1907, ch. 155, Sec. 1. (A stringent provision—"any person over 18 years of age who by any acts, words or conduct, or by the omission to do something required by law to be done, aids, abets, encourages, contributes to, or becomes responsible for the dependency, neglect, or delinquency of any juvenile"—shall be deemed guilty of a misdemeanor.)

*Wash.* L. 1907, ch. 11, Sec. 1. (\$1000 fine or 1 year imprisonment or both.)

*Wisc.* L. 1905, ch. 1444, Sec. 1. (\$500 fine or 1 year imprisonment or both.)

<sup>1</sup> *Colo.* L. 1909.

<sup>2</sup> *Ken.* L. 1908, ch. 60, Secs. 1 and 2.

<sup>3</sup> This is the case in

*Conn.* L. 1907, ch. 69, Sec. 1.

*Colo.* L. 1903, ch. 94, Sec. 1.

*D. C.* 34, Statutes at Large, 73, Sec. 24.

*Idaho.* L. 1907, p. 231, Sec. 1.

*Ills.* R. S. 1908, p. 717, Sec. 42 b b.

*Ind.* L. 1905, ch. 145, Sec. 3. (Judgment not to be suspended longer than 2 years.)

*Ken.* L. 1908, ch. 67, Sec. 3. (May be released on probation for one year.)

*Kans.* L. 1907, ch. 177, Secs. 3 and 4.

*Minn.* L. 1907, ch. 92, Sec. 1.

*Mo.* L. 1907, p. 231, Sec. 1.

*Nebr.* Compiled Statutes, 1909, Sec. 2706, 20. (Same as in Ind.)

*N. J.* L. 1905, ch. 160, Sec. 2. (Fine of not more than \$100 or by imprisonment for not more than six months.)

*Ohio.* L. 1908, p. 195, Sec. 14. (Fine not less than \$10 nor more than \$1000—imprisonment 10 days or 1 year. Every day's contribution to be considered a separate offense.)

*Texas.* Gen'l L. 1907, ch. 109, Sec. 1.

*Utah.* L. 1907, ch. 155, Secs. 3 and 4.

*Wash.* L. 1907, ch. 11, No. 1.

*Wisc.* L. 1905, ch. 444, No. 1. (Same as in Ind. and Nebr.)

<sup>4</sup> *D. C.* 34 Statutes at Large 43, Sec. 8.

## JUVENILE COURT LAWS SUMMARIZED

Kansas,<sup>1</sup> Kentucky,<sup>2</sup> Minnesota,<sup>3</sup> and Missouri,<sup>4</sup> the law specifically provides that he may be discharged by order of the court only. In Ohio<sup>5</sup> he may be discharged only by the authorities of the institution to which he has been committed and in Oregon<sup>6</sup> the court may change its orders only with the consent of the institution. The control or supervision of institutions or associations which receive children from the Juvenile Court is exercised by the State Board of Charities in Colorado,<sup>7</sup> Illinois,<sup>8</sup> Indiana,<sup>9</sup> Louisiana,<sup>10</sup> Massachusetts,<sup>11</sup> Minnesota,<sup>12</sup> Missouri,<sup>13</sup> Nebraska<sup>14</sup> and Ohio.<sup>15</sup> In Kentucky,<sup>16</sup> Tennessee,<sup>17</sup> and Oregon,<sup>18</sup> this supervision is in the hands of a board appointed by the Juvenile Court. In Maryland<sup>19</sup> probation officers are selected by the supreme bench to visit institutions and report on them to the court. In Idaho<sup>20</sup> they must be passed on by the Governor. In Texas,<sup>21</sup> Colorado,<sup>22</sup> and Louisiana,<sup>23</sup> the court may require the institutions to make complete report as to the care, condition, and progress of the child. The Illinois law provides that the child may continue to be a ward of the Court after it has been placed in charge of any association or individual.<sup>24</sup> In Illinois,<sup>25</sup> Nebraska,<sup>26</sup> and Ohio,<sup>27</sup> agents of the Juvenile reformatories must do probation work, reporting to the court conditions of the homes in which children have been placed. In Massachusetts,<sup>28</sup> Nebraska,<sup>29</sup> and Idaho<sup>30</sup> the school authorities are required to make reports, when requested by the judge, of children under the care of the court.

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<sup>1</sup> *Kans.* L. 1905, ch. 190, Sec. 10.

<sup>2</sup> *Ken.* L. 1908, ch. 67, Sec. 7.

<sup>3</sup> *Minn.* L. 1905, ch. 285, Sec. 7.

<sup>4</sup> *Mo.* L. 1909, p. 430, Sec. 8.

<sup>5</sup> *Ohio* L. 1904, p. 621, Sec. 9. (Cuyahoga County Court.)  
L. 1608, p. 192, Sec. 12.

<sup>6</sup> *Oregon* L. 1907, ch. 34, Sec. 10.

<sup>7</sup> *Colo.* L. 1903, ch. 85, Sec. 10.

<sup>8</sup> *Ills.* R. S. 1908, ch. 23, Sec. 181.

<sup>9</sup> *Ind.* L. 1905, ch. 237, Sec. 8. (Court may require report on an institution from the Board at any time.)

<sup>10</sup> *La.* L. 1906, No. 83, Sec. 18.

<sup>11</sup> *Mass.* L. 1906, ch. 413, Sec. 8.

<sup>12</sup> *Minn.* L. 1905, ch. 285, Sec. 11.

<sup>13</sup> *Mo.* L. 1909, p. 430, Sec. 9.

<sup>14</sup> *Nebr.* Compiled Statutes, 1909, Sec. 2796, 13.

<sup>15</sup> *Ohio* L. 1908, p. 192, Sec. 13.

<sup>16</sup> *Ken.* L. 1908, ch. 67, No. 19.

<sup>17</sup> *Tenn.* L. 1905, ch. 516, No. 9.

<sup>18</sup> *Oregon* L. 1907, ch. 43, No. 15.

<sup>19</sup> *Md.* L. 1902, ch. 611, Sec. 886 B.  
L. 1904, ch. 614.

<sup>20</sup> *Idaho* L. 705, p. 106, Sec. 7.

<sup>21</sup> *Texas* L. 1907, ch. 65, Sec. 8.

<sup>22</sup> *Colo.* L. 1903, ch. 85, Sec. 10.

<sup>23</sup> *La.* L. 1908, No. 83, Sec. 18.

<sup>24</sup> *Ills.* R. S. 1908, ch. 23, Sec. 177.

<sup>25</sup> *Ills.* R. S. 1908, ch. 23, Sec. 180.

<sup>26</sup> *Nebr.* Compiled Statutes, 1909, Sec. 2796, 12.

<sup>27</sup> *Ohio* L. 1908, p. 192, Sec. 13.

<sup>28</sup> *Mass.* L. 1906, ch. 489, Sec. 8. (Boston.)

<sup>29</sup> *Nebr.* Compiled Statutes, 1909, Sec. 2796, 13.

<sup>30</sup> *Idaho* L. 1907, No. 63, Sec. 3. (Truancy, delinquency, and incorrigibility reported by school authorities to court.)

## TOPICAL ABSTRACT OF JUVENILE COURT LAWS

### CONCLUSION

Juvenile Court legislation is still in the making. Yearly additions and modifications will make this abstract incomplete almost with its appearance.<sup>1</sup> To anyone who has studied the session laws of the past ten years it is evident that the tendency is to follow the leadership of Illinois and Colorado and enact legislation which consistently regards the child who has committed some offense as one who needs the especial guidance and protection of the state. Probably no juvenile court has done for this class of children in its community all that it is hoped will be possible, but public opinion is unanimous in its verdict that the theory which these courts are attempting to put into practice is a great advance over the common law doctrine and everything points to the ultimate abandonment of this older doctrine by all of the states.

Hull House, 1910.

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<sup>1</sup> Maryland has just passed a law similar to that of Kentucky, so that it now belongs with the states having the most advanced legislation.



### PART III

## THE MONROE COUNTY JUVENILE COURT LAW OF 1910 APPLICABLE TO THE CITY OF ROCHESTER, NEW YORK

A MODEL JUVENILE COURT LAW DRAWN BY LEADING  
JURISTS OF MONROE COUNTY WITH THE ASSISTANCE  
OF BERNARD FLEXNER, OF THE LOUISVILLE, KENTUCKY,  
BAR



THE MONROE COUNTY JUVENILE COURT LAW  
APPLICABLE TO THE CITY OF ROCHESTER,  
NEW YORK. ENACTED BY THE  
LEGISLATURE OF 1910

THE following act, enacted by the New York Legislature of 1910, applies to the County of Monroe and the city of Rochester.

The act was drawn by leading jurists of Monroe County with the assistance of Bernard Flexner, Esq., of Louisville, Ky.

It is believed that this act, which is the latest juvenile court law enacted, embodies the best features of the various juvenile court laws, and it is hoped that it may prove to be a model for the smaller cities of the state of New York, and also for other states.

*AN ACT conferring jurisdiction upon the county court of Monroe county to adjudicate upon all cases of children in Monroe county under sixteen years of age, who are delinquent, neglected or otherwise subject to the discipline or in need of the care and protection of the state; and regulating the procedure in such cases, including the establishment of a detention home, a probation system and the appointment of guardians for such children.*

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The county court of Monroe county shall have original and exclusive jurisdiction of all cases coming within the terms and provisions of this act. This act shall be construed liberally and as remedial in character; and the powers hereby conferred are intended to be general to effect the beneficial purposes herein set forth.

§ 2. This act shall apply to any child less than sixteen years of age residing or being at the time in Monroe county,

A. Who violates any penal law or any municipal ordinance, or who commits any act or offense for which he could be prosecuted in a method partaking of the nature of a criminal action or proceeding (except a crime punishable by death or life imprisonment), or

B. Who engages in any occupation, calling or exhibition or is found in any place for permitting which an adult may be punished by law, or who so deports himself or is in such condition or surroundings or under such improper or insufficient guardianship or control, as to endanger the morals, health or general welfare of said child.

§ 3. Any person having knowledge or information that a child residing in or actually within the county is within the provisions of the preceding section may file

## JUVENILE COURT LAWS SUMMARIZED

with said county court a verified petition stating the facts that bring such child within said provisions. The petition may be upon information and belief. The title of the proceeding shall be, "County Court, County of Monroe. In the Matter of (Inserting Name), a Child under Sixteen Years of Age." The petition shall set forth the name and residence of the child and of the parents, if known to the petitioner, and the name and residence of the person having the guardianship, custody, control and supervision of such child, if the same be known or ascertained by the petitioner, or the petitioner shall state that they are unknown, if that be the fact.

§ 4. Upon filing the petition, the court or a judge thereof may forthwith, or after first causing an investigation to be made by a probation officer or other person, cause a summons to be issued signed by one of the judges or the special clerk of said court, requiring the child to appear before the court and the parents, or the guardian, or the person having the custody, control or supervision of the child, or the person with whom the child may be, to appear with the child, at a place and time stated in the summons, to show cause why the child should not be dealt with according to the provisions of this act.

§ 5. If it appears from the petition that the child is embraced within subdivision A of section two, or is in such condition that the welfare of the child requires that its custody be immediately assumed, the court may indorse upon the summons a direction that the officer serving the same shall at once take said child into his custody; in the meantime such child may be admitted to bail or released in the custody of a probation officer or other person by one of the judges of said court, the special clerk or the chief probation officer; but when not so released, the child shall be detained pending the hearing of the case in the shelter hereinafter provided for; and in no case arising under this act shall any child be placed in a jail, common lock-up or other place where adult criminals are confined.

§ 6. Service of summons within the county of Monroe shall be made personally by delivering to and leaving with the person summoned a true copy thereof. If it shall be made to appear, by affidavit, that reasonable but unsuccessful effort has been made to serve the summons personally upon the parties named therein, other than said child, the court or any judge thereof at any stage of the proceedings may make an order for substituted service of the summons or of a supplemental summons in the manner provided for substituted service of civil process in courts of record, and if such parties are without said county, service may be made by mail, by publication or personally without the county in such manner and at such time before the hearing as in said order directed. It shall be sufficient to confer jurisdiction if service is effected at any time before the time fixed in the summons for the return thereof, but the court, if requested, shall not proceed with the hearing earlier than the third day after the date of the service. Proof of service shall be made substantially as in courts of record. Failure to serve summons upon any person other than said child shall not impair the jurisdiction of the court to proceed in cases arising under subdivision A of section two, provided that, for good cause shown, the court make an order dispensing with such service. The summons shall be considered a mandate of the court, and wilful failure to obey its requirements shall subject any person guilty thereof to liability for punishment as for a criminal contempt. At any stage of the case, the court may, in its discretion, appoint an attorney or other suitable person to be the guardian ad litem of the said child for the purposes of the proceeding, and the court may call upon the district attorney of said county to attend to assist the court in any proceeding under this act; and the sheriff of said county shall serve or cause to be served all papers which

## MONROE COUNTY JUVENILE COURT LAW OF 1910

are directed by the court to be served by him, and a suitable allowance shall be made by the board of supervisors for his actual disbursements in effecting such service; but all papers may be served by any person delegated by the court for that purpose. The expense incurred in making substituted service or service by publication or personally without the county shall be a county charge.

§ 7. Upon the return of the summons, or at the time set for the hearing, the court shall proceed to hear and determine the case. The court may conduct the examination of the witnesses without the assistance of counsel, and may take testimony and inquire into the habits, surroundings, condition and tendencies of said child, to enable the court to render such order or judgment as shall best conserve the welfare of said child and carry out the objects of this act; and the court, if satisfied that the child is in need of the care or discipline and protection of the state, may so adjudicate, and may in addition find said child to be delinquent or neglected, or in need of more suitable guardianship, as the case may be; and in addition to the powers granted by this act, may render such judgment and make such order or commitment, according to the circumstances of the case, as any court or magistrate is now or may hereafter be authorized by law to render or make in any of the cases coming within section two of this act. It is the intention of this act that in all proceedings coming under its provisions the court shall proceed upon the theory that said child is the ward of the state, and is subject to the discipline and entitled to the protection which the court should give such child under the conditions disclosed in the case; and when once jurisdiction has been obtained in the case of any such child, it shall continue for the purposes of this act during the minority of said child. The court shall have power, upon the hearing of any case involving any child, to exclude the general public from the room wherein said hearing is held, admitting thereto only such persons as may have a direct interest in the case; and the records of all cases may be withheld from indiscriminate public inspection in the discretion of the court; but such records shall be open to inspection of such child, his parents or guardians, or his attorneys, at all times. The hearings may be conducted in the judge's chambers or in such other room or apartment as the supervisors may provide for such cases; and as far as practicable such cases shall not be heard in conjunction with the other business of the court. No adjudication under the provisions of this act shall operate as a disqualification of the child for any office under any state or municipal civil service; and such child shall not be denominated a criminal by reason of any such adjudication; nor shall such adjudication be denominated a conviction.

§ 8. Nothing in this act contained shall be construed as forbidding the arrest, with or without warrant, of any child as now or hereafter may be provided by law, or as forbidding the issuing of warrants by magistrates, as provided by law; whenever a child less than sixteen years of age is brought before a magistrate in said county, such magistrate shall transfer the case to the county court by an order directing that said child be taken forthwith to the shelter; such magistrates may, however, by order admit such child to bail, or release said child in the custody of some suitable person as now provided by law, to appear before said court at a time designated in the said order. All informations, depositions, warrants and other process in the hands of such magistrate shall be forthwith transmitted to the county court, and shall become part of its records; the county court shall thereupon proceed to hear and dispose of such case in the same manner as if the proceeding had been instituted in said county court upon petition, as hereinbefore provided. In all cases the nature of the proceeding shall be explained to said child, and if they appear, to the parents, custodian or guardian;

## JUVENILE COURT LAWS SUMMARIZED

and intermediate the arrest of such child with or without warrant, and the appearance of said child before the county court, if not paroled or otherwise released, he shall be detained in the shelter where he shall be received and cared for subject to the order of the court or one of the judges thereof.

§ 9. An appeal may be taken from any final order or judgment of said court to the appellate division of the supreme court within sixty days after the entry of said order, and if any such appeal is taken by the guardian ad litem appointed for said child by said court, said court may, in its discretion, grant an order auditing and allowing the actual disbursements of said guardian ad litem in printing his papers on appeal; whereupon said disbursements shall become a claim against the county of Monroe, to be paid as a county charge.

§ 10. The county judge may arrange with any incorporated society or association maintaining a shelter or suitable place of detention for children in said county for the use thereof as a shelter or temporary detention home for children coming within the provisions of this act, and may enter an order which shall be effectual for that purpose; and a reasonable sum shall be appropriated by the board of supervisors for the expenses incurred by said society or association for the care of such children. If, however, the county judge shall certify that a suitable arrangement for such use cannot be made, or continued, the board of supervisors shall establish, equip and maintain a home for the temporary detention of such children separated entirely from any place of confinement of adults, to be called "the county shelter," which shall be conducted as an agency of the county court for the purposes of this act and, so far as possible, shall be furnished and carried on as a family home and shall be in charge of a superintendent and a matron who shall reside therein. The county judge shall have authority to appoint said superintendent, matron and the other employees of said county shelter in the same manner in which probation officers are appointed under this act, their salaries to be fixed and paid in the same manner as the salaries of probation officers. The county judge may appoint as such superintendent or matron one of the probation officers, with or without additional salary. The necessary expenses incurred in maintaining said county shelter shall be paid by the county.

§ 11. The county judge may appoint a special clerk to keep the records and act as clerk of the court in cases under this act, and a chief probation officer, whose duty it shall be to act under the direction of said court in the cases arising under this act; and said clerk and said chief probation officer shall be paid such reasonable compensation as the board of supervisors may determine, as a county charge. If the county judge finds it compatible with the public interest, he may name a probation officer or other person in the county service to act as the clerk. The county judge may also, if found necessary for the adequate care and protection of the children under the jurisdiction of the court, appoint one or more additional probation officers, to be paid such compensation as the board of supervisors may provide; and in addition thereto may appoint voluntary probation officers to serve without compensation from the county treasury and under such conditions as the judge may determine to be conducive to the successful operation of this act; and with respect to such salaried or voluntary probation officers, and the administration of said shelter, the court may devise such rules of procedure and method as in the judgment of the court will conduce to the beneficial purposes of this act; and said judge may at pleasure remove said officers; said salaried probation officers shall have all the powers of peace officers anywhere in the state for the purpose of this act; and the court is authorized to seek the co-operation of all societies or organizations, public or private, having for their

## MONROE COUNTY JUVENILE COURT LAW OF 1910

object the protection or aid of indigent or neglected children, to the end that the court may be assisted in every reasonable way to give to all of such children the care, protection and assistance which will conserve the welfare of such children. And it is hereby made the duty of every county, town or municipal official or department, in said county, to render such assistance and co-operation within his or its jurisdictional power to further the objects of this act; and all institutions, associations or other custodial agencies in which any child may be, coming within the provisions of this act, are hereby required to give such information to the court or any of said officers appointed by it as said court or officers may require for the purposes of this act.

§ 12. All provisions of law applicable to probation of children brought before any court or magistrate are made applicable to cases coming within the provisions of this act, except that the period of probation may be extended by the court during the minority of said child; and the time and places for the appearance of said child during said probationary period shall be entirely within the discretion of the court; and during said probationary period and during the time when said child may be committed to any institution or to the care of any association or person for custodial or disciplinary purposes, said child shall always be subject to the friendly visitation of such probation officers or other agents of the court as may be appointed for that purpose; and any final order or judgment made by the court in the case of any such child shall be subject to such modifications from time to time as the court may consider to be for the welfare of said child; and no commitment of any child to any institution or other custodial agency shall deprive the court of the jurisdiction to change the form of the commitment or transfer the custody of said child to some other institution or agency on such conditions as the court may see fit to impose, the duty being constant upon the court to give to all children subject to its jurisdiction such oversight and control in the premises as will conduce to the welfare of said child and the best interests of the state.

§ 13. Whenever any child is found to be in such condition, surroundings or under such improper or insufficient guardianship as to lead the court, in its discretion, to take the custody of said child away from its parents and place it in some institution or under some other custodial agency, the court may, after issuing and service of an order to show cause upon the parents or other person having the duty under the law to support said child, adjudge that the expense of caring for said child by said custodial agency or institution as fixed by the court shall be paid by the person or persons bound by law to support said child; in which event such person or persons shall be liable to pay to such custodial agency or institution and in such manner as the court may direct the money so adjudged to be payable by him or them; and willful failure to pay said sum may be punished as a contempt of court and the order of the court for the payment of said money may be also enforced as money judgments of courts of record are enforced.

§ 14. Whenever a child within the jurisdiction of said court and under the provisions of this act appears to the court to be in need of medical care, a suitable order may be made for the treatment of such child in a hospital, and the expense thereof shall be a county charge; and the county may recover the said expense in a suitable action from the person or persons liable for the furnishing of necessities for said child; and for that purpose the court may cause any such child to be examined by any health officer within the jurisdiction of the court, or by any duly licensed physician.

§ 15. Whenever it shall appear to the court, in the case of any neglected child or of any child in need of more suitable guardianship that has been taken from its home or the custody of its parents, that conditions have so changed that it is consistent

## JUVENILE COURT LAWS SUMMARIZED

with the public good and the welfare of said child that the parents again have the custody of said child, the court may make a suitable order in the premises. In committing any child to any custodial agency or placing it under any guardianship other than that of its natural guardians, the court shall, as far as practicable, select as the custodial agency some individual holding the same religious belief as the parents of said child, or some institution or association governed by persons of like religious faith, unless said institution is a state or municipal institution.

§ 16. Whenever, in the course of a proceeding instituted under this act, it shall appear to the said court that the welfare of said child will be promoted by the appointment of an individual as general guardian of his property, and of his person, when such child is not committed to any institution or to the custody of any incorporated society, the court shall have jurisdiction to make such appointment either upon the application of the child or some relative or friend, or upon the court's own motion; and in that event an order to show cause may be made by the court, to be served upon the parent or parents of said child in such manner and for such time prior to the hearing as the court may deem reasonable. In any case arising under this act, the court may determine as between parents whether the father or mother shall have the custody, tuition and direction of said child.

§ 17. Nothing herein contained shall be construed as abridging the general chancery power and jurisdiction exercised by the supreme court over the persons and estates of minors, nor as abridging the authority of the surrogate to appoint guardians for infants as now provided by law.

§ 18. It shall be the duty of the county judge of said county, at least once a year, to visit each institution in which there shall be at the time any child under commitment pursuant to this act, and the managers and officers of said institution shall accord to said judge full opportunity to inspect the said institution in all its departments, to the end that the court may be advised as to the propriety of continuing the use of said institution as a custodial agency; and said judge may examine witnesses under oath within the county where said institution is located, or appoint a referee for the purpose of obtaining any information as to the efficiency and character of such institution.

§ 19. The court shall have power to devise and publish rules and regulate the procedure for cases coming within the provisions of this act, and for the conduct of all probation and other officers of the court in such cases, and such rules shall be enforced and construed beneficially for the remedial purposes embraced herein. The court may devise and cause to be printed for public use such forms for records and for the various petitions, orders, process and other papers in the cases coming under this act as shall meet the requirements thereof; and all the expenses incurred by the court in complying with the provisions of this act shall be a county charge.

§ 20. All provisions of the penal law or code of criminal procedure or other statute inconsistent with or repugnant to this act shall be considered inapplicable to the cases arising under this act.

§ 21. This act shall take effect January first, nineteen hundred and eleven.

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